

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: As per our Discussion on 03-24-21  
**Date:** Monday, April 26, 2021 12:21:00 AM

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Hi Tala,

This note confirms our conversation of last week in which I told you orally that there is no loss of impartiality for you to work on matters in which 3M is a party, even though your (b) (6) happens to work for that company. You do not own stock in this company so you have no financial conflict of interest. In addition, your (b) (6) and not a member of your household, (b) (6) and does not work in the new chemicals field at all. Therefore, I determined that a reasonable person with knowledge of the facts would not conclude that there is any loss of impartiality for you to work on specific party matters in which 3M is a party. You may continue to proceed in working with 3M.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Friday, April 23, 2021 12:30 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** As per our Discussion on 03-24-21

Hi again Justina,

Thank you so much for spending time with me today.

As per our discussion, I am writing to get your feedback in writing regarding our discussion of my (b) (6). 3M is a company that submits TSCA Pre-Manufacture Notices (PMNs) to OPPT's New Chemicals Program, which I oversee.

As I mentioned, in 2011, when I first had occasion to be involved with matters involving 3M, I sought and received an Impartially Determination from the OPPT Deputy Ethics Official (attached). As we discussed, my (b) (6), one that does not interact with the EPA/OPPT New Chemicals Program.

In our discussion you indicated the same factors apply today and that I should not need to formally 'refresh' the Impartiality Determination, but that by way of this email, you could respond to my query.

Thanks,  
Tala

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Impartiality Determination under 5 CFR 2635.502(d)

FROM: Wendy Cleland-Hamnett, Deputy Ethics Official  
Office of Pollution Prevention and Toxics

*Wendy Cleland-Hamnett*  
5/19/11

TO: Tala Henry, Ph.D., Acting Director  
National Program Chemicals Division  
Office of Pollution Prevention & Toxics

As acting director of the National Program Chemicals Division (NPCD), you seek permission to participate in specific party matters involving 3M. 3M recently acquired Hyrivet Systems, the manufacturer of a "lead test kit." NPCD periodically needs to work and /or consult with manufacturers of these products.

Last week you brought to EPA's attention a potential conflict from an ethics perspective: namely your (b) (6) is employed by the 3M Company as a (b) (6). (b) (6) You have stated your (b) (6) does not do any work related to the development, testing or marketing of the lead test kit and that you would have no opportunity for professional exchanges. Your (b) (6) does not live with you.

The ethics regulations, at 5 CFR 2635.501, address "impartiality" issues. The regulations contain provisions intended to ensure that an employee takes appropriate steps to avoid an appearance of loss of impartiality in the performance of his official duties. Summarized, under Sec. 2635.502, unless the person receives prior authorization, an employee should not participate in a particular matter involving specific parties which he/she knows is likely to affect the financial interests of a person with whom he/she has a "covered relationship" if he/she believes that a reasonable person with knowledge of the relevant facts would question his/her impartiality in the matter.

The regulations at 5 CFR 2635.502 define "covered relationship," and the relationship with your (b) (6) would qualify as one of these.

To begin with, given the large size of 3M, its rather diverse lines of commerce, your (b) (6) I find it very unlikely that any discussions or even decisions with 3M on the lead test kits will potentially affect the financial position of your (b) (6). For 3M lines of commerce see [http://solutions.3m.com/wps/portal/3M/en\\_US/Products/ProdServ/](http://solutions.3m.com/wps/portal/3M/en_US/Products/ProdServ/) also see 5 CFR 2635.502 Example 3. I further do not believe that a reasonable person with knowledge of the relevant facts would question your impartiality in any matter relating to the lead test kits.

Having said this it is a useful exercise to consider the facts and the application of the regulations.

Federal ethics regulations permit federal officials to participate in matters that might raise impartiality concerns when the interest of the federal government in the employee's participation outweighs concerns over the questioning of the "integrity of the agency's programs and operations." 5 C.F.R. 2635.502(d). I have carefully considered the six factors that are listed in 5 C.F.R. 2635.502(d), and conclude that the interest of the Government in your participation outweighs any such concerns. These factors are:

- (1) The nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter to another employee; and
- (6) adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

I took the following factors into consideration in making this determination:

- (1) 3M is a very large company with a multitude of business interests;
- (2) Your (b) (6) with 3M and has no involvement in the lead paint test kit business, and will not benefit from any interactions.
- (3) There are limited calls for discretion in any matters that are likely to arise.

You may participate in discussions and meetings with 3M regarding the lead test kits. Please note that this opinion may change if your (b) (6) secures a new position that would bring him or his sub-organization within 3M into contact with EPA's toxics program. A copy of this determination will be placed in your file. Please contact Scott Sherlock, the OPPT ethics assistant at 564-8257 if you have any further questions.

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** clarification about filing deadlines and late fees  
**Date:** Wednesday, March 4, 2020 10:29:00 AM

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Hi there,

You'll recall that I recently wrote to you to remind you about filing periodic transactions in a timely fashion. I was not as clear as I should have been about the timing of the filing deadlines, for which I apologize. Allow me to try again.

As a public filer, you are required to report any purchase, sale or exchange of certain assets when the transaction is more than \$1000. For these transactions (that are called "covered" transactions), you have two different filing requirements:

- Excepted Investment Funds (e.g., diversified mutual funds) – report *annually* in the transaction section of your 278; and
- Stocks, bonds, commodity futures or other securities – report *periodically* on a 278T in INTEGRITY.

Your deadline for filing a periodic transaction report is "within 30 days of receiving notification of a covered [meaning reportable] transaction, but not later than 45 days after the date such transaction" was executed. See 5 CFR 2634.201(f) and 5 CFR 2634.310(d).

Should you miss the filing deadline, you are subject to a late filing fee of \$200. But I should have also pointed out that we will not assess the late fee if you still manage to file your 278T within a 30-day grace period following the deadline. After that, you will have to pay the late fee or request a waiver.

EXAMPLE:

You receive a statement from your broker on April 10 that notifies you of all of the transactions executed on your behalf in March. The trades occurred on various dates in March so there are different reporting due dates. So long as you report all of the covered transactions from March on a periodic transaction report no later than April 15, you will meet the filing deadline. Should you file the periodic transaction report after April 15 but before May 15, you will not be fined. The late fee will be assessed, in this example, if you file the 278T for those March transactions after May 15.

I hope that this example clarifies the filing deadlines and late fees. I was concerned that I had confused you, so I thought I'd try again to explain.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



**From:** [Fugh, Justina](#)  
**To:** [Beck, Nancy](#); [Belser, Evan](#); [Benevento, Douglas](#); [Bertrand, Charlotte](#); [Best-Wong, Benita](#); [Bloom, David](#); [Bodine, Susan](#); [Bolen, Brittany](#); [Breen, Barry](#); [Busterud, John](#); [Carpenter, Wesley](#); [Carr, Brian](#); [Cook, Steven](#); [Darwin, Henry](#); [Deziel, Dennis](#); [Dickerson, Aaron](#); [Dieu, Martin](#); [Dunlap, David](#); [Dunn, Alexandra](#); [Fischer, David](#); [forsgren.dennis@epa.gov](#); [Fotouhi, David](#); [Goerke, Ariadne](#); [Goldman, Lisa](#); [Grundler, Christopher](#); [Gulliford, Jim](#); [Gunasekara, Mandy](#); [Gustafson, Adam](#); [Hanson, Paige \(Catherine\)](#); [Harlow, David](#); [Hartman, Mark](#); [Hengst, Benjamin](#); [Henry, Tala](#); [Hill, Randy](#); [Hitchens, Lynnann](#); [Hladick, Christopher](#); [Hoverman, Taylor](#); [Idsal, Anne](#); [Irving, John](#); [Keigwin, Richard](#); [Kelley, Rosemarie](#); [Dekleva, Lynn](#); [Kramer, Jessica L](#); [Lis-Coghlan, Kamila](#); [Lopez, Peter](#); [Lynch, Mary-Kay](#); [McDonough, Owen](#); [McIntosh, Chad](#); [McQueen, Ken](#); [Molina, Michael](#); [Moor, Karl](#); [Mottley, Tanya](#); [Mugdan, Walter](#)  
**Cc:** [Keith, Jennie](#)  
**Subject:** Your Invitation to ELI's 2020 Award Ceremony  
**Date:** Thursday, September 24, 2020 11:46:00 AM

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Hi there,

OGC/Ethics understands that you have received an invitation from the Environmental Law Institute (ELI) to be its virtual guest at its annual awards dinner and reception to be held on Thursday, October 15, 2020. Although there is no cost associated with the dinner itself, ELI is charging \$100 for non-federal participants at their reception. You have been offered free attendance at the reception. But if, on your own, you elect to pay for the reception anyway, then you must do so personally. EPA will not pay for your attendance.

I am writing to confirm that, if you decide to attend this event virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch and, if you are a political appointee, with the Trump Ethics Pledge.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Thus, OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend the dinner and/or reception, then you will NOT be required to report this as a gift on your financial disclosure report form because the fair market value is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

#### Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend virtually.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#); [Hartman, Mark](#); [Tyler, Tom](#); [Hanley, Mary](#); [Le, Madison](#)  
**Subject:** Ethics advice concerning your invitation to the ELI annual awards dinner and fundraiser  
**Date:** Thursday, September 2, 2021 1:43:00 PM

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Hi there,

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its annual awards dinner to be held in person at and streamed virtually this year on October 19, 2021 from the Omni Shoreham Hotel in Washington, DC. I am writing to confirm that, if you decide to attend this event in person or virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Even if you are a political appointee, you may still accept this invitation if you wish. OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form because the gift is valued at \$210, which is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC/Ethics or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

#### Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend.

#### Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official



position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Arroyo, Victoria](#); [Elman, Barry](#); [Engelman-Lado, Marianne](#); [Payne, James \(Jim\)](#); [Uhlmann, David](#); [Carbonell, Tomas](#); [Giles, Cynthia](#); [Hartman, Mark](#); [Henry, Tala](#); [Hoffer, Melissa](#); [Le, Madison](#); [Marks, Matthew](#); [Messina, Edward](#); [Schmidt, Lorie](#); [Shaw, Nena](#); [Starfield, Lawrence](#); [Waterhouse, Carlton](#)  
**Subject:** Ethics advice concerning your invitation to the ELI annual awards dinner and fundraiser  
**Date:** Friday, September 23, 2022 9:32:00 AM

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Hi there,

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its pre-ceremony reception and annual awards dinner to be held in person (the dinner will also be streamed virtually) on October 25, 2022 from the Omni Shoreham Hotel in Washington, DC. I am writing to confirm that, if you decide to attend this event in person or virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Even if you are a political appointee, you may still accept this invitation if you wish. OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form because the gift is valued at \$300, which is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC/Ethics or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

#### Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend.

#### Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

**From:** [Fugh, Justina](#)  
**To:** [Bertrand, Charlotte](#); [Beck, Nancy](#); [Hartman, Mark](#); [Henry, Tala](#); [Morris, Jeff](#)  
**Subject:** Ethics advice concerning your invitation to the ELI dinner  
**Date:** Wednesday, August 14, 2019 5:46:00 PM

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Hi there,

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its annual awards dinner to be held this year on October 22, 2019 at the Omni Shoreham Hotel in Washington, DC. I am writing to confirm that, if you decide to attend this event, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

This event qualifies for the Widely-Attended-Gathering gift exception. Thus, OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form because the gift is valued at \$200, which is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by OGC. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

#### Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to go.

#### Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a

receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** Follow-up from OGC/Ethics  
**Date:** Friday, October 14, 2022 11:02:00 AM  
**Attachments:** [Departing EPA for career SES updated June 2022.docx](#)

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Hi Tala,

As promised, I'm following up on a few things from our chat this morning -

First, we discussed how you may be referenced in scientific articles if/when you leave EPA. There's no ethics issues with your name being listed as an author since it's factual – you worked on the article(s) in your official capacity while an employee. You could also ask them to put *(Retired)* after your name upon publication.

Second, I've attached our chatty guidance on seeking employment and post-employment restrictions for career SES employees. If/when you decide to retire, let us know the date so that we can assign you a Termination Report. It's due within 30 days after you retire, and we can accept it as early as 15 days before your last day. If you submit the report after you leave federal service, then we'll need a personal email address to change your user ID. The reporting period will be the current calendar year (2022) through your termination date. Also remember to keep filing any periodic transaction reports that would be due while still here.

I think that covers everything. Just let me know if you have any other questions.

Have a nice weekend!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

UPDATED JUNE 2022

FOR CAREER SES AND CERTAIN TITLE 42 EMPLOYEES

**Ethical Considerations Related to Your Transition Out of EPA**

During your federal service, you have been subject to the Standards of Ethical Conduct for Employees of the Executive Branch as well as federal conflict of interest statutes and the Ethics In Government Act as amended by the STOCK (Stop Trading on Congressional Knowledge) Act. Although many of these rules will no longer affect you when you leave federal service, you will still be bound by the post-employment restrictions.

This document provides an overview of the most important ethics considerations that you need to know as you transition out of Government service. The relevant statute is 18 U.S.C. § 207, and the implementing regulations are found at 5 C.F.R. Part 2641. Understanding your ethics obligations during and after Government service will help you avoid ethics pitfalls.

**THINGS YOU NEED TO KNOW**  
***BEFORE YOU LEAVE GOVERNMENT SERVICE***

**1. Seeking employment** -- You can't participate in official matters that will have a direct and predictable effect on the financial interests of any person or entity with whom you are seeking employment. You may not participate in a "particular matter" having a direct and predictable effect on the financial interests of any person or entity with whom you are seeking or negotiating for employment or with whom you have an agreement for future employment. *See, generally*, 5 CFR Part 2635, Subpart F and 18 USC § 208.

***"Seeking employment" begins when you:***

- directly or indirectly make an unsolicited communication regarding possible employment with any person or entity;
- engage in negotiations with a view toward reaching an agreement regarding possible employment;
- receive a response to a job application or employment proposal indicating an interest in employment discussions; or

- make a response, other than rejection, to an unsolicited communication from any person regarding possible employment with that person.

***“Seeking employment” ends*** when:

- you or the prospective employer reject the possibility of employment and all discussions of possible employment have terminated; or
- two months have elapsed since you sent an unsolicited resume or employment proposal, and you have not received an interest in employment discussions.

*Example 1:* You are contacted by an official of a State Environmental Department in your home state. On the call, he asks if you are interested in a position with the State beginning in the next calendar year. You are currently working on an enforcement action involving the State but are interested in returning to the area at the beginning of the year. You agree to send him your resume for an open position.

*Answer:* Because you are open to the prospect of future employment and have sent your resume for an open position, *you are “seeking employment”* and must immediately disqualify yourself from participating in the pending enforcement action until either you or the State affirmatively rejects the possibility of employment or you leave the EPA to take the position, whichever is *later*.

But just deferring discussions until the foreseeable future may not constitute rejection of an employment possibility. Here are two examples of deferring, with different results:

*Example:* Let’s say you gave a speech to a trade association and afterwards, someone said, “Hey, have you been thinking about what you’re going to do after you retire? My company would be very interested in someone like you.” You say that you aren’t thinking about anything until after your last day, so perhaps they can contact you then.

*Answer:* This response will be considered a rejection.

*Another Example:* But let’s say instead that you know your region is working on an issue that involves that very company, and you responded to the inquiry by saying you cannot discuss future employment while you are working on that issue but you would like to discuss employment with the company when the issue is resolved.

*Answer:* Because you have merely deferred employment discussions until the foreseeable future, you have begun “seeking employment” under the ethics regulations and now cannot work on issue that involves the company. It’s not sufficient that you said you won’t talk to them until after the project is over. You have to deal with the conflicts issue now.

**2. Negotiating for future employment** -- You have a financial interest in any entity in which you begin employment “negotiations”-- which means a two-way communication made either personally or through an intermediary such as a headhunter -- with a view towards reaching an agreement regarding future employment or compensation. The financial conflict of interest law requires you to recuse yourself from participating in a government matter affecting the entity’s financial interests until either party affirmatively rejects the possibility of future employment or you leave the Agency. *See* 18 U.S.C. § 208(a).

Notification requirement: once you engage in an employment negotiation, you must submit a Negotiation Notification Form within *three business days* to [ethics@epa.gov](mailto:ethics@epa.gov).

**3. Procurement integrity requirements** -- If you are participating in an ongoing procurement in excess of \$150,000, procurement integrity regulations require that you notify your supervisor and the Ethics Office in writing if you make or receive a contract for future employment with a competing contractor. If you do not affirmatively reject the possibility of future employment, you must disqualify yourself from further participation in the procurement until either party affirmatively rejects the possibility of future employment and the Contracting Officer approves your continued participation. *See* 41 U.S.C. § 2103.

**4. Gifts relating to bona fide employment negotiations** - You may accept gifts that are customarily provided by a prospective employer in connection with bona fide employment discussions (e.g., travel, lodging, and meals). If the prospective employer has matters that may be affected by your official duties, then you must first disqualify yourself from EPA matters affecting the financial interests of the prospective employer. If the value of the benefits you accept meets the reporting thresholds, you have to report these gifts on your termination financial disclosure report. *See* 5 C.F.R. § 2635.204(e)(3).

**5. Post-employment training** -- Make an appointment to talk to OGC/Ethics or your regional ethics counsel for in person counseling. In addition, we highly recommend that you take the online post-employment course [Leaving Federal Service](#).

**6. Financial disclosure reporting requirements** -- You must submit a **termination Public Financial Disclosure Report (OGE 278e) in INTEGRITY ([www.Integrity.gov](http://www.Integrity.gov)) within 15 days of departure or no more than 30 days after departure**. Once you know your departure date, contact the Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov) so that we can assign you a termination report in INTEGRITY. You may begin the report at that time after assignment *but do not submit the report earlier than 15 days prior to your departure date*. We urge you to file the report before you depart so that you can access the electronic system using your EPA PIV card. If you do not complete the report prior to your departure date, you must notify OGC/Ethics of your forwarding email address so that we can make the necessary changes for your access from your

personal computer. It is your responsibility to provide us with your forwarding information and submit a timely report.

**Late filing fee:** if you file the OGE 278e more than 30 days after the due date without requesting and receiving an extension from the Ethics Office *before the due date*, **you will be assessed a \$200 late filing fee once you file the report.** We can grant extensions up to 90 days for good cause shown. **Failure to file a termination OGE-278e will result in a referral to the U.S. Attorney General for civil action that may result in civil penalties up to \$50,000. Failure to pay late fees will result in referral for debt collection.**

Need more incentive? In 2012, DOJ settled a case with a former EPA employee who did not file her termination 278. She paid a fine of \$15,000 and still had to turn in her form. And in 2022, a district court judge imposed a \$61,585 penalty on a former White House official for failure to file her termination report.

**THINGS YOU NEED TO KNOW  
AFTER YOU LEAVE GOVERNMENT SERVICE**

**7. Criminal post-employment restrictions – 18 U.S.C. § 207 and 5 C.F.R. Part 2641**

**a) Permanent Bar, 18 U.S.C. § 207(a)(1):**

You may not, on behalf of a third party, appear before or communicate with an officer or employee of the United States with the intent to influence that person on a particular matter involving specific parties in which you participated personally and substantially while a government employee. This restriction does not prohibit providing "behind the scenes" assistance. (If you are an attorney, your state bar rules may prohibit this type of assistance, but we do not provide opinions on your bar obligations).

A "*particular matter involving specific parties*" include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term *does not include* a rulemaking or other particular matter of general applicability. "Personal" participation means that you participated directly in the matter and includes the direction or control over a subordinate employee's participation. Your participation is "substantial" if, at the time of your involvement, it was of significance to the matter. This includes decision-making, reviewing, or recommending an action to be taken. It does not include merely ministerial acts relating to the matter.

**b) One-Year Bar (Trade or Treaty Negotiations), 18 U.S.C. § 207(b)**

For one year after leaving federal service, you may not knowingly represent, aid, or advise on the basis of covered information, any other person (except the United States) concerning any ongoing trade or treaty negotiation in which you participated personally and substantially as an employee during your last year of federal service.

**c) Two-year restriction for former supervisors, 18 U.S.C. § 207(a)(2)**

For two years after your departure, you may not appear before or represent others with the attempt to influence government action before the federal government on particular matters involving specific parties that were actually pending under your “official responsibility” in your last year of federal service. This restriction applies only to supervisors but not to team leaders. For the purposes of this restriction, personal and substantial participation is not required. Note that this restriction applies even if you did not participate in the matter personally or substantially because of a recusal.

*Example:* Six months ago, an office director recused herself from participating personally in a contract award to a company because she owns stock in that company. Upon leaving federal service, she takes a position with the winning contractor and now wants to make representations back to the federal government on behalf of her new employer on that contract. Even though she did not work personally and substantially on the contract because of her recusal, she may not, for two years after her departure, represent her new employer before the government on this contract because it was pending under her official responsibility during her last year of government service.

The definition of "official responsibility" is the "direct administrative or operating authority, whether intermediate or final, and whether exercisable alone or with another, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action." The scope of your “official responsibility” is determined by those areas assigned by statute, regulation, Executive Order, job description or delegation of authority. For a Deputy Regional Administrator, for example, all matters in the region are deemed to be within his or her “official responsibility.”

**d) Compensation bar for matters affecting the government, 18 U.S.C. § 203**

After you depart, a new employer may not compensate you for any covered representational services that were provided at a time when you were a federal employee. “*Representational services*” means communications to or appearances before federal entities (not just EPA) with the intent to influence the government on behalf of a third party. Common examples are legal and consulting services where you may share in profits or fees related to those representations once you leave federal service.

*Example:* You are a former EPA attorney who is now an equity sharing partner at Dewey, Cheatham and Howe, a prominent law firm with an extensive federal practice. As a former federal employee, you may not share in any fees attributable to the firm's representational services before the government while you were still employed by the EPA. Therefore, your compensation plan, to include any bonus or partnership share, may not include any of the firm's profits that comes from its covered representational services before the federal government during your federal tenure.

**e) Additional Post-Employment Restrictions For Former "Senior Employees"**

A "senior employee" includes members of the Senior Executive Service (SES) (either career and non-career) and individuals who are paid at a rate of basic pay that is equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule (this figure changes every January). **As of January 2022, the threshold is \$176,201.** Former senior employees are subject to these additional restrictions:

**1) One-Year Bar on communicating with or appearing before the EPA, 18 U.S.C. § 207(c)**

For one year after serving as a "senior employee," you may not knowingly make any communication to or appearance before an officer or employee of EPA on behalf of another with the intent to influence government action on a matter pending at the Agency. Please note that the restriction will apply to *any matter* pending before the Agency, to include broad policies, regulations, legislation, as well as a "particular matter involving specific parties" or a "matter of general applicability" that is narrowly focused on a discrete industry sector.

NOTE: if you were detailed from EPA to another department or agency, then during the period of your detail, you are deemed to be an officer or employee of BOTH departments or agencies.

*Example:* You leave EPA as a "senior employee" to work for a regulated entity. The next week, the Agency issues a new regulation affecting your new employer. Because you are a former senior employee, you may not submit comments on behalf of your new employer to the Agency objecting to the regulatory requirements because you are still within the one-year "cooling-off" period under 18 U.S.C. § 207(c). **Remember, this is a criminal statute.**

**2) One-Year Bar Relating to aiding, advising, or representing a foreign entity, 18 U.S.C. § 207(f)**

For one year after serving as a "senior employee," you may not knowingly aid, advise, or represent a foreign entity before any employee of a federal department or agency with the intent to influence a decision of such employee in carrying out his or her official duties. This



restriction extends to all federal agencies, U.S. courts or court martials, as well as the President, Vice President, and Members of Congress. A “foreign entity” is a foreign government or a foreign political party. See 18 U.S.C. § 207. Unlike the other criminal post-employment restrictions, this restriction does apply to “behind-the-scenes” activities.

**f) Exceptions to the criminal post-employment law:**

**1) Common exceptions to the permanent and two-year bars, 18 U.S.C. §§ 207(a)(1) and (2):**

- Acting on behalf of the US government - if you are re-employed by the United States or called as a witness by Congress, the post-employment restrictions do not apply. However, working for a government contractor is not covered by this exception.
- Acting as an elected official - if you are carrying out your official duties as an *elected official* of a state or local government, the post-employment restrictions do not apply.
- Employee of a Tribe – if you are an employee or an elected or appointed official of a tribal organization or inter-tribal consortium, then you may represent the tribe back to the United States provided that you submit adequate notice to the EPA Administrator and OGC/Ethics.
- Providing testimony - you may give testimony under oath or make statements required to be made under penalty of perjury. Unless expert opinion testimony is given pursuant to court order, or you are called as a witness by the United States, you may not provide such testimony on a matter on behalf of any other person except the United States or Congress if the activity is one covered by the permanent restrictions at 18 U.S.C. § 207(a)(1).

**2) Additional exceptions for the one-year restriction for former “Senior Employees” before the EPA, 18 U.S.C. § 207(c):**

- Acting as an employee of a state, local government or an instrumentality thereof, a hospital, or certain educational institutions
- Acting on behalf of an international organization in which the United States participates, if approved by the Secretary of State
- Imparting special knowledge not for compensation
- Making appearances made solely on behalf of a candidate, an authorized committee, a State committee, or a political party.

## **8. Additional Post-Employment Restrictions For Procurement Officials**

### **a) Procurement integrity provisions relating to contracts in excess of \$10 million:**

- Officials with a major role in a federal procurement in excess of \$10 million may not accept compensation from the winning contractor as an employee, officer, director, or consultant within one year after serving as: the procurement contracting officer; the source selection authority; a member of the source selection board; or the chief of the financial or technical evaluation panel of a contract involving payment or claims of over \$10 million.
- This restriction also applies to former officials who have personally made the federal agency decision to: award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order to that contractor; establish overhead or other rates applicable to one or more contracts for that contractor that are valued in excess of \$10 million; approve issuance of one or more contract payments in excess of \$10 million; or pay or settle a claim in excess of \$10 million with that contractor. *See* 41 U.S.C. § 2104 and 48 C.F.R. § 3.104.

**b) Non-disclosure of procurement-sensitive information:** as a former employee, you may not knowingly disclose contractor bid or proposal information or source selection information before the award of a federal agency procurement contract. *See* 41 U.S.C. § 2102.

## **9. Additional Post-Employment Guidance for Officials Involved in Grants**

If you were involved in any grant competition activities while at EPA, then you should review the post-employment implications under EPA's Grants Competition Conflicts of Interest and Competitive Advantage policies. While not strictly statutory or regulatory prohibitions, these policies ensure that EPA can preserve the integrity of its competitions. Applicants competing for EPA awards cannot have an unfair competitive advantage or even the appearance of an unfair advantage. If you were involved in certain grant activities, including but not limited to the development, review and preparation of solicitations, then you, your family members, or your new employer may be constrained in competing for grants under the solicitations in which you participated. For more information about grants conflicts of interest and competitive advantage policies, contact Bruce S. Binder, Senior Associate Director for Grants Competition, at [binder.bruce@epa.gov](mailto:binder.bruce@epa.gov).

## **10. A Special Note for Attorneys**

Attorneys are reminded to consult their state bar rules or seek advice from state bar counsel even if you did not work as an attorney for EPA. These rules may differ from the federal criminal post-employment rules. For example, although the federal post-employment laws permit "behind the scenes" work for a new employer on matters you worked on or on which you supervised others, the American Bar Association (ABA) restricts such communications. ABA

Model Rule 1.11(a) permits a former government employee to represent a client in connection with a matter in which the lawyer participated personally and substantially as a “public officer or employee” only if he first obtains consent from the appropriate government agency.

By contrast, the DC Bar is even more restrictive than the ABA. DC Bar rule 1.11(a) prohibits the former employee from accepting employment in connection with a matter which is the same as, or substantially related to, a matter in which the lawyer participated personally and substantially as a public officer or employee. Under this rule, there is no waiver possibility, and the former government lawyer is not permitted even to provide “behind the scenes” work. OGC/Ethics does not provide guidance on state bar rules.

**Conclusion:** This is a summary of the major ethics rules that apply to you as you begin to seek employment and after you depart the Executive Branch. *This is not a substitute for ethics advice on your seeking and post-employment activities and is not an ethics opinion.* We strongly recommend that you schedule a meeting with OGC Ethics to receive an opinion on your specific facts and circumstances. If you seek advice from an ethics official, provide the relevant facts, and follow our guidance in good faith, then an ethics opinion may be a mitigating factor in any prosecution should you violate the criminal provisions. Please contact us at [ethics@epa.gov](mailto:ethics@epa.gov). Even after you leave EPA, we are here to answer your questions.

Message

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**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 2/5/2019 2:53:12 PM  
**To:** Margaret Ross (Ross.Margaret@epa.gov) [Ross.Margaret@epa.gov]  
**BCC:** Abboud, Michael [abboud.michael@epa.gov]; Allen, Reginald [Allen.Reginald@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Amon, Dan [Amon.Dan@epa.gov]; Anastas, Nicholas [Anastas.Nicholas@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]; Avila, Aaron [avila.aaron@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Bagley, Mark [Bagley.Mark@epa.gov]; Bahadori, Tina [Bahadori.Tina@epa.gov]; Banister, Beverly [Banister.Beverly@epa.gov]; Baptist, Erik [baptist.erik@epa.gov]; Barnett, Henry [Barnett.Henry@epa.gov]; Barone, Stan [Barone.Stan@epa.gov]; Barr, Pamela [Barr.Pamela@epa.gov]; Battaglia, Amy [Battaglia.Amy@epa.gov]; Battin, Andrew [Battin.Andrew@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Behl, Betsy [Behl.Betsy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Benforado, Jay [Benforado.Jay@epa.gov]; Benjamin-Sirmons, Denise [Benjamin-Sirmons.Denise@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Benson, William [Benson.William@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Binder, Bruce [Binder.Bruce@epa.gov]; Biro, Susan [Biro.Susan@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Blancato, Jerry [Blancato.Jerry@epa.gov]; Blevins, John [Blevins.John@epa.gov]; Block, Molly [block.molly@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bonanno, Gale [Bonanno.Gale@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Brennan, Thomas [Brennan.Thomas@epa.gov]; Brincks, Mike [brincks.mike@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Brooks, Karl [brooks.karl@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Buckley, Timothy [Buckley.Timothy@epa.gov]; Buhl, Rick [Buhl.Rick@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]; Bussard, David [Bussard.David@epa.gov]; Campbell, Dave [campbell.dave@epa.gov]; Carpenter, Angela [Carpenter.Angela@epa.gov]; Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Carter, Rick [Carter.Rick@epa.gov]; Cascio, Wayne [Cascio.Wayne@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Chase, Felicia [chase.felicia@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Cherry, Katrina [Cherry.Katrina@epa.gov]; Christensen, Kevin [Christensen.Kevin@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Cogliano, Vincent [cogliano.vincent@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Conolly, Rory [Conolly.Rory@epa.gov]; Conway, Timothy [Conway.Tim@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Coughlin, Christine [Coughlin.Christine@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Dalbey, Matthew [Dalbey.Matthew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; DeMarco, Frank [DeMarco.Frank@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Diaz-Sanchez, David [Diaz-Sanchez.David@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Dixon, Sean [dixon.sean@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Dolph, Becky [Dolph.Becky@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Doyle, Brett [doyle.brett@epa.gov]; Drake, Kerry [Drake.Kerry@epa.gov]; Dufour, Alfred [Dufour.Alfred@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Eby, Natasha [eby.natasha@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Edlund, Carl [edlund.carl@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Epley, Brian [epley.brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Etzel, Ruth [Etzel.Ruth@epa.gov]; Eubanks, Kristy [Eubanks.Kristy@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Fays, Michael [fays.michael@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Fields, Jenifer [fields.jenifer@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Fine, Steven [fine.steven@epa.gov]; Fisher, Bill [Fisher.William@epa.gov]; Flowers, Lynn [Flowers.Lynn@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Frace, Sheila [Frace.Sheila@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Garcia, David [Garcia.David@epa.gov]; Garland, Jay [Garland.Jay@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]; Geller, Andrew [Geller.Andrew@epa.gov]; George, Elizabeth [george.elizabeth@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Gilliland, Alice [Gilliland.Alice@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov];

Gordon, Stephen [gordon.stephen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Gray, David [gray.david@epa.gov]; Gray, Linda [gray.linda@epa.gov]; Grifo, Francesca [Grifo.Francesca@epa.gov]; Grimm, Patrick [Grimm.Patrick@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]; Gullett, Brian [Gullett.Brian@epa.gov]; Gulliford, Jim [gulliford.jim@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Hadley, Angela [Hadley.Angela@epa.gov]; Haeuber, Richard [Haeuber.Richard@epa.gov]; Hage, Christopher [hage.christopher@epa.gov]; Hamlin, Tim [Hamlin.Tim@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Harlow, David [harlow.david@epa.gov]; Harnett, Bill [Harnett.Bill@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Hauchman, Fred [hauchman.fred@epa.gov]; Haugen, David [haugen.david@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Hill, Franklin [Hill.Franklin@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Hines, Ronald [Hines.Ronald@epa.gov]; Hisel-McCoy, Sara [Hisel-McCoy.Sara@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Hoff, Dale [Hoff.Dale@epa.gov]; Holt, Kay [Holt.Kay@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]; Hyde, Tinka [hyde.tinka@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Jackson, Yvette [Jackson.Yvette@epa.gov]; Jennings, Robert [Jennings.Robert@epa.gov]; Johnson, Arthur [Johnson.Arthur@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Johnson, James [Johnson.James@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Jones, Samantha [Jones.Samantha@epa.gov]; Jones-Peeler, Meshell [Jones-Peeler.Meshell@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Judson, Richard [Judson.Richard@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Kasman, Mark [Kasman.Mark@epa.gov]; Kenny, Shannon [Kenny.Shannon@epa.gov]; Knudsen, Thomas [Knudsen.Thomas@epa.gov]; Konkus, John [konkus.john@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Korleski, Christopher [korleski.christopher@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Kunderling, Kelly [kunderling.kelly@epa.gov]; Lapierre, Kenneth [lapierre.kenneth@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Lattimore, Craig [lattimore.craig@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Lee, Charles [Lee.Charles@epa.gov]; Lee, Maja [lee.maja@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lindsay, Nancy [Lindsay.Nancy@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Lowrance, Richard [Lowrance.Richard@epa.gov]; Lueckenhoff, Dominique [Lueckenhoff.Dominique@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Maher, Karen [Maher.Karen@epa.gov]; Manna, Richard [Manna.Richard@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Mathur, Rohit [Mathur.Rohit@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; McDonald, James [McDonald.James@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; McGartland, Al [McGartland.Al@epa.gov]; McIlwain, Serena [McIlwain.Serena@epa.gov]; McKinney, Robert [mckinney.robert@epa.gov]; McLain, Jennifer [McLain.Jennifer@epa.gov]; McManus, Catharine [mcmanus.catharine@epa.gov]; McNally, Robert [Mcnally.Robert@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]; Morgan, Ashley [morgan.ashley@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Munns, Wayne [Munns.Wayne@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Nam, Ed [nam.ed@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Nguyen, DucH [Nguyen.DucH@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Nussbaumer, James [nussbaumer.james@epa.gov]; OBrien, Kathy [Obrien.Kathy@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Ohanian, Edward [Ohanian.Edward@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Payne, James [payne.james@epa.gov]; Peabody, Hitch [Peabody.Hitch@epa.gov]; Petrole, Maryann [Petrole.Maryann@epa.gov];

Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Polk, Denise [Polk.Denise@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Price, PaulS [Price.PaulS@epa.gov]; Prince, John [Prince.John@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; Radzikowski, Mary Ellen [Radzikowski.Maryellen@epa.gov]; Reeder, John [Reeder.John@epa.gov]; Regli, Stig [Regli.Stig@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Robbins, Chris [Robbins.Chris@epa.gov]; Robertson, Lakeshia [robertson.lakeshia@epa.gov]; Robichaud, Jeffery [Robichaud.Jeffery@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Rogers, John M. [Rogers.John@epa.gov]; Ross, Mary [Ross.Mary@epa.gov]; Rowson, David [Rowson.David@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Sanders, Amy [Sanders.Amy@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Sayles, Gregory [Sayles.Gregory@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Scheraga, Joel [Scheraga.Joel@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Schumacher, Brian [Schumacher.Brian@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Scott, Jeff [Scott.Jeff@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Servidio, Cosmo [servidio.cosmo@epa.gov]; Shah, Imran [Shah.Imran@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Silzer, Stefan [Silzer.Stefan@epa.gov]; Simon, Harvey [Simon.Harvey@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Simons, Vicki [Simons.Vicki@epa.gov]; Singh, Amar V. [singh.amar@epa.gov]; Slimak, Michael [Slimak.Michael@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Smith, Mark A. [Smith.Marka@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Snyder, Carolyn [Snyder.Carolyn@epa.gov]; Snyder, Emily [Snyder.Emily@epa.gov]; Sonich-Mullin, Cynthia [Sonich-Mullin.Cynthia@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Stanek, Lindsay [Stanek.Lindsay@epa.gov]; Stanich, Ted [Stanich.Ted@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Stavnes, Sandra [Stavnes.Sandra@epa.gov]; Steenbock, John [Steenbock.John@epa.gov]; Stein, Kathie [Stein.Kathie@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Stern, Allyn [Stern.Alyn@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]; Sugiyama, George [sugiyama.george@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tapia, Cecilia [Tapia.Cecilia@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]; Teichman, Kevin [Teichman.Kevin@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Terris, Carol [Terris.Carol@epa.gov]; Thayer, Kris [thayer.kris@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Thomas, Russell [Thomas.Russell@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Thompson, Fred [Thompson.Fred@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Vandenberg, John [Vandenberg.John@epa.gov]; vanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Vogel, Dana [Vogel.Dana@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Wall, Tom [Wall.Tom@epa.gov]; Walsh, Ed [Walsh.Ed@epa.gov]; Ward, Mary-Beth [Ward.Mary-Beth@epa.gov]; Watkins, Tim [Watkins.Tim@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Weber, Rebecca [Weber.Rebecca@epa.gov]; Weiss, Steven [Weiss.Steven@epa.gov]; Wells, Jeffrey [Wells.jeffrey@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Whung, Pai-Yei [Whung.Pai-Yei@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Williamson, Anahita [Williamson.Anahita@epa.gov]; Wood, Robert [Wood.Robert@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Young, Brenda [young.brenda@epa.gov]; Zartarian, Valerie [Zartarian.Valerie@epa.gov]; Zepp, Richard [Zepp.Richard@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]

**Subject:** Public Financial Disclosure Reports due May 15, 2019

Greetings Public Filers,

Last week, you received an annual financial disclosure report assignment from INTEGRITY.gov. This report covers calendar year 2018. The deadline for annual reports is 5/15/19. If you believe that you have received this assignment in error, or if you need assistance with your report, please contact Margaret Ross at Ross.margaret@epa.gov.

Thanks,  
Margaret



Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

**From:**[Fugh, Justina](#)**To:**

Adams, Elizabeth; Amon, Dan; Ankley, Gerald; Aunkst, Dana; Avila, Aaron; Badalamente, Mark; Ballotti, Doug; Barber, Delores; Barmakian, Nancy; Barnett, Henry; Barolo, Mark; Barr, Pamela; Battin, Andrew; Behl, Betsy; Benjamin-Sirmons, Denise; Bergstrand, Paul; Best-Wong, Benita; Binder, Bruce; Birnbaum, Rona; Biro, Susan; Blake, Wendy; Blacato, Jerry; Blevins, John; Bloom, David; Boddu, Veera; Bohan, Suzanne; Bonanno, Gale; Bourbon, John; Breen, Barry; Brennan, Thomas; Brincks, Mike; Briskin, Jeanne; Buckley, Timothy; Buhl, Rick; Bunker, Byron; Burneson, Eric; Busterud, Gretchen; Campbell, Jennie; Canzler, Erica; Caro, Vique; Carpenter, Wesley; Cascio, Wayne; Charmley, William; Cherry, Katrina; Chu, Ed; Clanton, Michael; Clark, Becki; Coleman, Charlotte; Conklin, Jeanne; Coogan, Daniel; Coughlin, Christine; Cozad, David; Crossland, Andy; Crossland, Ronnie; Dalbey, Matthew; Daly, Carl; Dawes, Katherine; Dawson, Jeffrey; DeLeon, Rafael; Diaz-Sanchez, David; Dierker, Carl; Dombrowski, John; Dorka, Lilian; Douchand, Larry; Drake, Kerry; Dufour, Alfred; Dunham, Sarah; Dutton, Steven; Echeverria, Marietta; Edwards, Jonathan; Epley, Brian; Epp, Timothy; Esher, Diana; Eubanks, Kristy; Evangelista, Pat; Fernandez, Cristina; Fine, Steven; Fisher, Bill; Fong, Tera; Frazer, Brian; Freeman, Caroline; Fugh, Justina; Garcia, David; Garland, Jay; George, Elizabeth; Gettle, Jeaneanne; Gillespie, Andrew; Gilliland, Alice; Goodin, John; Goodis, Michael; Goss Eng, Alison; Grantham, Nancy; Gray, Linda; Gray, Richard; Greene, Mary; Grifo, Francesca; Grundler, Christopher; Guerrero, Carmen; Guilaran, Yu-Ting; Guiseppi-Elie, Annette; Gullett, Brian; Gunning, Paul; Gutierrez, Sally; Gwinn, Maureen; Hagler, Gayle; Hamjian, Lynne; Hamlin, Tim; Harris, Michael; Hart, Debbi; Hartman, Mark; Haugen, David; Helm, Arron; Hengst, Benjamin; Henry, Tala; Hill, Randy; Hisel-McCoy, Sara; Hitchens, Lynann; Hoff, Dale; Holt, Kay; Hoskinson, Carolyn; Hubbell, Bryan; Huffman, Diane; Hughes, Hayley; Humphrey, Leslie; Hunt, JuanCarlos; Iglesias, Ariel; Jackson, Yvette; Jernberg, Jorriane; Johnson, Arthur; Jones, Samantha; Jones-Peeler, Meshell; Jordan, Deborah; Judson, Richard; Kaczmarek, Chris; Kadeli, Lek; Kamen, Mara; Kaplan, Robert; Kasman, Mark; Keeley, Ann; Keigwin, Richard; Kelley, Rosemarie; Kemker, Carol; Kenny, Shannon; Kloss, Christopher; Knudsen, Thomas; Koerber, Mike; Korleski, Christopher; Koslow, Karin; Kowalski, Edward; LaPosta, Dore; Lassiter, Penny; Lattimore, Craig; Laureano, Javier; Layne, Arnold; Le, Madison; Lee, Charles; Legare, Pamela; Leonard, Paul; Li, Beverly; Libertz, Catherine; lindsay.nancy@epa.gov; Lloyd, David; Lowery, Bried; Lowit, Anna; Lupinacci, Jean; Lynch, Mary-Kay; Mackey, Cyndy; Maguire, Charles; Maher, Karen; Manning, Tonya; Martiyan, Stefan; Mathias, Scott; Mathur, Rohit; Matuszko, Jan; May, Benjamin; Mazakas, Pam; McCluney, Lance; McDonald, James; McGartland, Al; McGuire, Karen; McGuire, James; McLain, Jennifer L.; McManus, Catharine; Melvin, Karen; Messina, Edward; Miller, Anthony; Miller, Wynne; Miller, Amy; Monell, Carol; Mooney, John; Moraff, Kenneth; Mosby, Jackie; Mottley, Tanya; Mugdan, Walter; Munns, Wayne; Myrick, Pamela; Nagle, Deborah; Nam, Ed; nesci.kimberly@epa.gov; Neugeboren, Steven; Newton, Cheryl; Nguven, Duch; Nichols, Tonya; Nickerson, William; Nicolosi, Laura; Noga, Vaughn; O'Brien, Kathy; O'Connor, Darcy; Ohanian, Edward; Olson, Bryan; Opalski, Dan; Osinski, Michael; Pace, Donald; Packard, Elise; Palmer, Leif; Patlewicz, Grace; Patrick, Kimberly; Payne, James (Jim); Pease, Anita; Perez, Marc; Peterson, Mary; Pirzadeh, Michelle; Pollins, Mark; Price-Fay, Michelle; Quast, Sylvia; Reaves, Elissa; Reed, Khesha; Richardson, RobinH; Roache, Brendan; Robbins, Chris; Robichaud, Jeffery; Rodan, Bruce; Rodrigues, Cecil; Ross, Mary; Rowson, David; Ruvo, Richard; Salyer, Kathleen; Sams, Reeder; Sanders, Amy; Sasser, Erika; Sasseville, Sonya; Sawyers, Andrew; Sayles, Gregory; Schefski, Kenneth (KC); Scheraga, Joel; Schmidt, Lorie; Scott, Jeff; Scozzafava, MichaelE; Seager, Cheryl; Serassio, Helen; Shah, Imran; Shapiro, Andy; Shaw, Betsy; Sheehan, Charles; Shields, Edward; Simon, Harvey; Simon, Karl; Simon, Nigel; Singh, Amar V.; Singletery, DeAndre; Skelley, Dana; Smidinger, Betsy; Smith, Mark A.; Smith, Charles; Speth, Thomas; Srinivasan, Gautam; Stalcup, Dana; Stanich, Ted; Starfield, Lawrence; Steenbock, John; Stein, Kathie; Stein, Raffael; Strong, Jamie; Szaro, Deb; Talbert-Duarte, Angelia; Tapia, Cecilia; Tapp, Joshua; Taylor, Jessica; Tejada, Matthew; Tellis, Vickie; Terada, Calvin; Terris, Carol; Thayer, Kris; Thomas, Deb; Thomas, Russell; Thompkins, Anita; Thornhill, Alan; Tomiak, Robert; Torres, Tomas; Trimble, Katherine; Tsirigotis, Peter; Updike, David; VanDrunick, Suzanne; Veal, Lee; Viswanathan, Krishna; Vogel, Dana; Wall, Tom; Walsh, Ed; Watkins, Tim; Wayland, Richard; Weber, Rebecca; Wells, Jeffrey; Wells, Krysti; Werner, Jacqueline; Whung, Pai-Yei; Widawsky, David; Williams, Antony; Williams, Maria; Williamson, Anahita; Wood, Anna; Wood, Robert; Wooden-Aguilar, Helena; Wright, Stephanie L.; wyatt.marc@epa.gov; Zapata, Cesar; Zartarian, Valerie; Zepp, Richard

**Subject:**

News about your upcoming financial disclosure filing requirement

**Date:**

Sunday, January 23, 2022 9:06:00 PM

**Attachments:**

[Advisory to all 278 filers about filing fee.pdf](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position (either acting or permanently) that requires you to file the public financial disclosure report (also known as the 278). This year, we will be assigning your incumbent reports to you *in late February*, so not as early as in previous years. Your due date will be May 16 (because 5/15 is a Sunday), and the reporting period for your incumbent report will be CY 2021 only. But, hey, since I have your attention, allow me to share some important reminders about 278s:

- *Did you know?* EPA was among the first federal agencies to adopt INTEGRITY, the electronic financial disclosure filing system. We've been using it since 2015. Government-wide, there are now more than 35,000 users of this system. At EPA, we typically have more than 250 public filers at any time.

- *Remember about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. Do so by filing a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline. Attached is our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and we know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

# When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

**A \$200 late filing fee penalty is assessed for each late periodic reporting period<sup>1</sup>**

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>2</sup>
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds" <sup>3</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>4</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

<sup>1</sup> This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

<sup>2</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

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<sup>3</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>4</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19  
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).<sup>3</sup> Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.



Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The earlier of 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov), to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

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<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

**From:** [Fugh, Justina](#)  
**To:** [Griffo, Shannon](#)  
**Subject:** RE: 278 question  
**Date:** Tuesday, September 13, 2022 8:54:46 AM

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Nope, no contact with Tala.

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**From:** Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Sent:** Tuesday, September 13, 2022 8:45 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** 278 question

I'm reviewing Tala Henry's most recent 278-T and she's got (b) (6), (b) (5)

[REDACTED]

Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: 278-T  
**Date:** Monday, July 11, 2022 4:20:00 PM

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Hi Tala,

Thanks for the heads up. Since the transaction involved only a diversified mutual fund (instead of a stock or bond), there's no assessment of a late fee for such periodic transaction reporting. I'll go ahead and certify your reports - then you'll be able to import these transactions into your next Annual Report.

Thanks again,

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Henry, Tala <Henry.Tala@epa.gov>

**Sent:** Saturday, July 2, 2022 7:29 AM

**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

**Subject:** 278-T

Shannon/Justina,

I just filed two 278-Ts. One was for the month of June, having just received statements from my financial manager yesterday. In assembling and reviewing the statements, I realized I had overlooked the same transaction (i.e., same amount, same fund) made in May. Hence, I also submitted a 278-T for that and checked the box indicating it was more than 30 days old.

This was a simply oversight on my part. I will be more diligent in the future.

Thanks, Tala

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Cautionary Guidance on your most recent 278-T  
**Date:** Thursday, September 22, 2022 2:28:00 PM

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Hi Tala,

Thanks for calling earlier today to confirm that your financial advisor has sold all of your holdings in (b) (6). So to close the loop on all this – I appreciate that you appropriately contacted your advisor shortly after receiving my cautionary guidance below. You then gave your advisor permission to speak with me and now I understand that you have voluntarily sold the asset (and you will be filing your 278-T within the appropriate timeframe). Thus, you no longer have any recusal issues related to (b) (6) and any of its subsidiaries. You also have no recusals for the sectors in which the company or any of its subsidiaries operates. Going forward, just be sure to take a close look at your transactions and consult with OGC/Ethics if you have any questions regarding any holdings.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Griffo, Shannon  
**Sent:** Tuesday, September 20, 2022 10:18 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: Cautionary Guidance on your most recent 278-T

Hi Tala,

Quick note that your financial advisor called me right after we hung up. He should be contacting you soon about next steps and our discussion.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Sent:** Tuesday, September 20, 2022 8:25 AM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: Cautionary Guidance on your most recent 278-T

Hi Shannon,

Do you have time to discuss today... I have openings at 9:30 and noon through 3 pm

Tala Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

C: 202-213-8880

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**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Tuesday, September 13, 2022 1:42 PM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** Cautionary Guidance on your most recent 278-T

Hi Tala,

I'm reviewing your most recent 278-T and noticed a purchase of (b) (6). Now I don't know how much you own, but you are over the regulatory exemption level for specific party matters (and possibly particular matters of general applicability). You should know that (b) (6)

(b) (6). Since you report owning over \$15,000, you will need to recuse yourself from specific party matters involving (b) (6) and any of its subsidiaries. And if you own over \$25,000, then you will also need to recuse from a number of sectors (in which (b) (6) and all the subsidiaries operate) – including, but not limited to: (b) (6)

(b) (6) etc. Let me know the amount because we'll need to do a comprehensive sector breakdown of the subsidiaries to see if anything conflicts with your official duties.

I'm not sure if you've seen this before (because most of your assets have been diversified mutual funds), but below is our standard cautionary guidance that we send when we note employees owning certain interests that may possibly be affected by the performance of their official duties. This provides more detail on those potential conflicts and regulatory exemption levels.

I'm available if you want to chat more or have specific questions. But I wanted to first alert of you this potential conflict, and also figure out how much you actually own.

Thanks!

Shannon

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This asset appears to be over the regulatory thresholds, so we are sending you this cautionary letter to remind you to take appropriate steps to ensure that you do not have a conflict of interest. We are not concluding that you currently have a conflict of interest; rather, you should read the information below and contact an ethics official if you have any questions. Remember, it is your obligation to ensure to that your private interests (including your assets) do not conflict with your public duties. Be vigilant!

**YOUR FINANCIAL INTERESTS OF CONCERN**

We identified the following financial interest(s) that may be affected by the performance of your official duties and that exceed the regulatory exemption levels. This does not necessarily mean that you have a current conflict of interest, but we want to flag the following for you:

- (b) (6)

NOTE: If your ownership is above \$25,000 in (b) (6) then you must also recuse from matters of general applicability that affect the sectors in which the company or any of its subsidiaries operates.

**Regulatory Exemption Levels**

There are different regulatory exemption levels, depending on the type of particular matter. You can still participate if you own less than the levels below:

<b>SPECIFIC PARTY MATTER</b> e.g., an enforcement action against ABC Widget Company	<b>MATTER OF GENERAL APPLICABILITY</b> e.g., working on a rulemaking that affects all widget manufacturers
≤\$15,000 in ABC Widget Co. itself	≤\$25,000 aggregate in any one widget maker

≤\$25,000 aggregate for any affected non-parties (e.g., DEF Widget Corp. which manufactures a similar product)	(e.g., ABC Widget Corp. or DEF Widget Corp.) ≤\$50,000 aggregate in all affected parties (all widget makers)
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\*\*\*Don't forget that you have to add together your own ownership interest and any imputed interest. AND you also have to aggregate how many assets you own in the same sector.

EXAMPLE: You own \$8,000 worth of ABC Widget and your spouse also owns \$8,000. You cannot direct your staff to participate in an event at ABC Widget offices because you own more than \$15,000 in the company and cannot participate in any particular matter that involves or affects ABC Widget as a specific party.

EXAMPLE: Your father-in-law passed away recently and bequeathed to your spouse shares in an oil and gas company worth \$30,000. You can't work on a specific party matter involving that company and also now can't work on any rulemaking that affects all oil and gas companies.

### Why Do We Raise Concerns?

A criminal statute, 18 U.S.C. §208(a), bars you from participating in any "particular matter" that affects any of your own interests or any imputed interest (e.g., spouse or dependent children). Your interests include not only ownership interests (e.g., stock, bonds, mutual funds) but also the interests of outside entities (e.g., any organization in which you are serving as an officer, director, or trustee) and prospective employers (any entity with which you are seeking future employment). So you can't participate in any particular matter that will have a direct and predictable effect on your financial interest.

The important point to remember here is that 18 U.S.C. §208(a) is a criminal statute. A knowing violation of this statute can result in criminal prosecution and penalties. It's important to understand the elements of the financial conflict of interest statute. You have to participate "personally and substantially" in a "particular matter" in order for there to be a conflict of interest, and there has to be a "direct and predictable" effect on your financial interests.

### What is a particular matter?

A "particular matter" involves any deliberation, decision or action and that is focused on the interests of specific persons/organizations or any identifiable class of persons. It includes "specific party" matters (e.g., contracts, grants, assistance agreements, lawsuits, enforcement action, permits, licenses, audits) and matters of "general applicability" (e.g., rulemaking or policy matters) that distinctively affect a particular industry or identifiable class of persons.

### What is "personal and substantial" participation?

*Personal participation* means that you were personally involved in the matter or that you directed or controlled a subordinate's participation. *Substantial participation* means that your involvement in the matter was of significance, which includes decision-making, review or recommendation as to an action being taken, signing or approving a final document, and/or participating in a final decision briefing.

### What is a "direct and predictable" effect on a financial interest?

The effect must be direct and predictable and not speculative (though the actual dollar amount does not need to be ascertained). There must be close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest.

### What to do if you're worried about a conflict

If you are concerned that you have a conflict, contact OGC/Ethics immediately. We will go over the available options for you. Typically, potential conflict of interests are resolved in one of the following ways:

- 1) Don't participate. This means that you do not participate in the matter at all, including attending meetings, receiving briefings or being copied on substantive documents. We recommend that you document your recusal in writing, with a copy to OGC/Ethics.
- 2) Divest entirely or get below the regulatory threshold. You can either sell outright on your own or, if the sale will result in a tax liability for capital gains, then you may instead contact OGC/Ethics for a "Certificate of Divestiture" before you sell. This will enable you to defer capital gains tax, but you have to ask OGC/Ethics for assistance before you divest.
- 3) Ask for a waiver. Only the Agency's Designated Agency Ethics Official (DAEO) in OGC is authorized to waive the prohibition of 18 U.S.C. §208(a) where the interest is "not so substantial as to be deemed likely to affect the integrity of services which the Government may expect." OGC must consult with another federal agency before issuing a waiver, which are rarely granted.

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Clarification required  
**Date:** Sunday, March 1, 2020 11:44:00 PM

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Once the trade date settles, that starts the STOCK Act clock for filing the 278T.

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Saturday, February 29, 2020 8:58 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Clarification required

I am attempting to file 278-T for transactions for Feb 2020.

I have inquired previously about reporting "Trades not Settled" and was told that I need NOT file those until they were settled. However, If they settle in the first few days of March, I may not be notified until more than 30 days after the trade... so what do I do? File now with the transaction date provided even though it's not a done deal or risk not meeting the 30 day filing deadline. If something did not settle for some reason, how would I "correct" an unsettled filing?

Thx, Tala

Sent from my iPhone

On Feb 29, 2020, at 5:57 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Dear Tala,

On 12/26/19, you filed a Periodic Transaction Report (278-T) that reported on [REDACTED] transactions. We appreciate that you realized you needed to report periodic transactions, as indicated in the attachment. However, of those [REDACTED] transactions, [REDACTED] of the reportable ones occurred on 11/7/19 with another [REDACTED] reportable transactions occurring on 11/13/19. For all of the transactions, you entered "no" in the column entitled "notification received over 30 days ago" meaning that you learned of the transactions within 30 days of their taking place. When you submitted the 278-T to us, you affirmed that you were certifying that "the statements [you] have made in this form are true, complete, correct to the best of [your] knowledge."

In calculating the length of time between the transactions and filing of the 278-T, we found that the 11/7/19 transactions occurred 50 days prior to your filing the 278-T, while the 11/13/19 transactions occurred 44 days beforehand. Unfortunately for you, as a public financial disclosure filer, you are required to file the 278-T within 30 days of receiving notification of a transaction or 45 days from the date of the transaction, whichever is earlier. See 5 U.S.C. app. § 103(l). You did not ask in advance for an extension of time to file and then failed to meet the filing deadline.

Under the STOCK Act, all public filers must file periodic transaction reports in a timely manner. On 8/29/19, David Cozad, the Acting Designated Agency Ethics Official, issued the attached memorandum that reminded you of this obligation and informed you that the penalty for failing to file timely is \$200. 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. At this point, your ethics officials are in the position of having to fine you \$200 for the missed reports.

Because this is your first violation, we have certified your report. We assumed that you would want to request a waiver, so are granting you this **one-time** reprieve from the late filing fee associated with this report and for any other late 278-Ts that were filed before January 31, 2020. **For all future reports, however, you are on notice that you**



**will have to file timely or ask for an extension.** Should you again miss a deadline, then you will be fined the \$200 late fee but advised that you may seek a waiver pursuant to 5 C.F.R. § 2634.704(b). **That you are on notice already** will, of course, be taken into consideration for any future request for a waiver.

If you have any questions about your financial disclosure reporting requirements, please contact me or [ethics@epa.gov](mailto:ethics@epa.gov). In the future, please make sure that you file your periodic transaction reports on time.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx>

<Advisory to all 278 filers about filing fee.pdf>

<tala henry 12-26-19.pdf>

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Confidential Request  
**Date:** Sunday, November 20, 2022 7:54:00 PM  
**Attachments:** [Negotiations Notification Form for digital signature.pdf](#)  
[Departing EPA for career SES updated June 2022.docx](#)

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Hi Tala,

Thanks for your note and congratulations on your retirement! I've now assigned you a termination 278 to cover CY 2022. This report will be due 1/30/23, but if you do it before you leave, then you can still use your PIV card and your EPA email address as the user ID. You may submit this report no earlier than 12/16/22. However, if your plan is to complete the report after you leave EPA, then please give me a personal email address so that I can update your user ID.

I know that you said that Shannon already sent documents to you, but I'm doing so again. If you are currently seeking employment and enter into negotiations with a future employer while still at EPA, then you have to file the attached negotiation notification form with me within 3 business days of entering negotiations. I've also attached our chatty guide to post-employment. You may have your exit interview with Shannon or any of us in EPA Ethics before you leave, even before you head out for jury duty. Shannon is in the office next week, so give her a shout and let her know when works for you.

Congratulations again!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Thursday, November 17, 2022 8:49 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Confidential Request  
**Importance:** High

Hi Justina,

Although I have not officially informed my management, I have filed my paperwork to retire end of this year!

I understand from Shannon that I need to have an 'exit briefing', which I would much appreciate. Shannon already provided me with the Departing EPA document. Obviously, I need to get this scheduled pretty soon. To further complicate matters, I have been summoned to Federal Jury Duty December 14-30, so need to get this on the calendar prior to that.

What is the procedure? Do I meet with you or one of your staff? Can we get this scheduled after

Thanksgiving? Please let me know how to proceed.

Once again enjoyed the Ethics Training yesterday!!

Tala

Tala Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

C: 202-213-8880

**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number\*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address\*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                      | No                       |   |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

**For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.**

Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

Your signature

OGC/Ethics Use Only:

**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

**Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.**

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

**Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.**

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

**Need help answering these statements? Contact [ethics@epa.gov](mailto:ethics@epa.gov) to discuss.**

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Consult  
**Date:** Thursday, October 27, 2022 6:55:00 AM

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Thanks for sharing!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Wednesday, October 26, 2022 5:12 PM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: Consult

For your records.

Tala Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

C: 202-213-8880

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**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Sent:** Wednesday, October 26, 2022 4:37 PM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: Consult

Hi Tala,

Circling back on this – based on your financial advisor’s recent call to me and then his follow-up email, it appears that your holdings in any particular sector mutual fund fall below the regulatory exemption threshold. Although I’d note that I can’t access his actual message from the email, so I’m just going by the subject line. Also, the mutual funds we discussed would be considered “sector mutual funds” subject to that \$50,000 regulatory exemption level. So moving forward, just remember that any sector mutual fund with a reported value (or aggregated value among your imputed holdings) that exceeds \$50,000 would not qualify for a regulatory exemption and you’d need to disqualify yourself from participating in EPA matters affecting the sector or the ETF’s underlying holdings.

Please let me know if you have any other questions.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Griffo, Shannon  
**Sent:** Monday, October 17, 2022 11:09 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Consult

Hi Tala,

I'm available between now and 12, and also between 3:30-4:30. Feel free to give me a ring or let me know what works best for you.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Monday, October 17, 2022 7:08 AM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** Consult

**Importance:** High

Shannon,

Do you have some time today to follow up on conversation of last Friday?

I am available 10-12 and 3:30-4:30

Pls let me know if any of these time will work for you.

Thx, Tala

Tala Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

C: 202-213-8880

**From:** [Clarke, Victoria](#)  
**To:** [Griffo, Shannon](#)  
**Subject:** RE: Ethics  
**Date:** Tuesday, May 21, 2019 10:18:00 AM

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I, too, like to talk through my thoughts and appreciate reading how others get to their answers!

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

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**From:** Griffo, Shannon

**Sent:** Tuesday, May 21, 2019 10:17 AM

**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** RE: Ethics

I like to talk through my thoughts....so take a look at this and we can chat more:

[Financial Conflicts of Interest - 18 U.S.C. § 208](#)

An employee is prohibited from participating personally and substantially in any particular matter if it would have a direct and predictable effect on the employee's own financial interests or any imputed interest (e.g., spouse or dependent children).

So for 208, the question is whether (b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]

[Federal Impartiality Standards - 5 C.F.R. § 2635.502](#)

There may be circumstances in which an employee should not perform official duties in order to avoid an appearance of loss of impartiality. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on (1) the financial interest of a member of his household, or (2) knows that a person with whom he has a "covered relationship" is or represents a party in a particular matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality, the employee should not participate unless he has informed the Agency designee of the appearance problem and received authorization pursuant to 5 C.F.R. § 2635.502(d).



(b) (5)

- [REDACTED]
- [REDACTED]

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

-----Original Message-----

From: Clarke, Victoria  
Sent: Friday, May 10, 2019 2:39 PM  
To: Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
Subject: FW: Ethics  
So, let's see if I have these facts right...

(b) (5)

[REDACTED]

[REDACTED], but is there any

information that you want from Tala specifically before I reach back out to her?

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

-----Original Message-----

From: Fugh, Justina  
Sent: Wednesday, May 08, 2019 8:51 PM  
To: Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
Cc: Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
Subject: RE: Ethics  
Hi Tala,  
Oh, gosh, you get an ethics star for realizing the possible conflict issue! I'm on travel today and tomorrow, so not in a good position to call you. Am copying Victoria Clarke to be the point person on

your question. I expect that she might want to confer with Shannon Griffo, who is our expert on recusals, and Margaret Ross, who is staking out an impressive mastery of financial conflicts issues. You're in super good hands.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Henry, Tala

Sent: Wednesday, May 08, 2019 8:41 PM

To: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

Cc: Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

Subject: Ethics

Justina,

As I think you likely remember, my husband, (b) (6) since he retired from EPA.

In a recent conversation he mentioned he had just (b) (6)

, which he just happened to name.

Today, staff in my office began briefing me on a particular TSCA new chemical case and when they provided me with the CBI document it had the company name it... dots connected...I realized it was same company (b) (6)

I handed the document back to staff and told them I couldn't talk about the particulars until I checked on something. So here I am checking on whether I may have a conflict and need a recusal? I'm sure you will want to chat more...please give me a call: 564-2959 Thanks, Tala

Sent from my iPhone

**From:** [Clarke, Victoria](#)  
**To:** [Henry, Tala](#); [Fugh, Justina](#)  
**Cc:** [Griffo, Shannon](#); [Ross, Margaret](#)  
**Subject:** RE: Ethics  
**Date:** Monday, August 5, 2019 8:18:00 AM

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Hi Tala,

Gosh, I'm so sorry, I thought I had responded to this way back in May!

If your spouse \*doesn't\* have any financial interests in the company, such as a regular employee salary, as well as ownership interests (such as stock), we don't foresee a financial conflict of interest under 18 USC 208. Based on what you told us, that doesn't seem to be the case - your spouse only works as a consultant - and as such, we don't anticipate that your work on a TSCA case will have a direct and predictable effect on the financial interests that arise out of his (b) (6). If any of those facts are wrong, do correct us, because the analysis changes.

That said, you likely do have some impartiality issues under 5 C.F.R. Sec. 2635.502, because your spouse has a covered relationship with this company, and you're now working on a matter involving that company, and a third person might question your ability to be impartial. So, you can have someone screen you off from cases where your husband's consulting clients are present (you'll need a list of those companies from him to implement such a screening arrangement), or you can seek an impartiality determination from your deputy ethics official to work on matters where one of those clients is present, such as here.

I hope that's helpful! If you need anything else, let us know.

Victoria

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

-----Original Message-----

From: Henry, Tala <Henry.Tala@epa.gov>  
Sent: Sunday, August 04, 2019 9:56 AM  
To: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>  
Subject: RE: Ethics  
Importance: High

I do not believe I ever heard back about his matter.

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention and Toxics U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

-----Original Message-----

From: Clarke, Victoria <clarke.victoria@epa.gov>

Sent: Thursday, May 09, 2019 12:26 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>

Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: Ethics

Hi Tala!

Nice to meet you! We shall respond soon!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency Office of General Counsel Washington, D.C. |7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

-----Original Message-----

From: Fugh, Justina

Sent: Wednesday, May 08, 2019 8:51 PM

To: Henry, Tala <Henry.Tala@epa.gov>

Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: RE: Ethics

Hi Tala,

Oh, gosh, you get an ethics star for realizing the possible conflict issue! I'm on travel today and tomorrow, so not in a good position to call you. Am copying Victoria Clarke to be the point person on your question. I expect that she might want to confer with Shannon Griffo, who is our expert on recusals, and Margaret Ross, who is staking out an impressive mastery of financial conflicts issues. You're in super good hands.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Henry, Tala

Sent: Wednesday, May 08, 2019 8:41 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Henry, Tala <Henry.Tala@epa.gov>

Subject: Ethics

Justina,

As I think you likely remember, my husband, (b) (6)

(b) (6) since he retired from EPA. In a recent conversation he mentioned he had just (b) (6), which he just happened to name.

Today, staff in my office began briefing me on a particular TSCA new chemical case and when they provided me with the CBI document it had the company name it... dots connected...I realized it was same company (b) (6)

I handed the document back to staff and told them I couldn't talk about the particulars until I checked on something. So here I am checking on whether I may have a conflict and need a recusal?

I'm sure you will want to chat more...please give me a call: 564-2959 Thanks, Tala

Sent from my iPhone

**From:** [Fugh, Justina](#)  
**To:** [ethics](#)  
**Subject:** addendum to Tala Henry's email: FW: Ethics Review/Question  
**Date:** Thursday, February 25, 2021 3:39:28 PM

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Thursday, February 25, 2021 2:48 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: Ethics Review/Question

Sorry for not using the 'main line'...but now I have follow up to provide and don't know how to link it up.

I got further info from (b) (6).

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Thursday, February 25, 2021 11:12 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** Ethics Review/Question

**Importance:** High

Hi Justina,

As you likely recall, my spouse, (b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6) (see additional info below).

(b) (6)

(b) (6). To this

end, I am seeking your input and guidance on whether there would be a COI or other ethics issue for ME if (b) (6) as a client to perform the work described below? If it would, (b) (6) would be inclined to decline this offer so as not to present any issue for me in performing my duties & responsibilities at EPA.

I look forward to OGC-Ethics input and guidance,

Tala

(b) (6)

(b) (6)


(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

A large rectangular area of the document is completely redacted with black ink. The redaction covers approximately four lines of text and a small portion of the fifth line, starting from the left margin and extending across most of the page width.

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Ethics Review/Question  
**Date:** Thursday, February 25, 2021 3:38:00 PM

---

Hi,

Nothing for you to apologize for, Tala! I'll forward your addendum to the [ethics@epa.gov](mailto:ethics@epa.gov) mailbox.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Thursday, February 25, 2021 2:48 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: Ethics Review/Question

Sorry for not using the 'main line'...but now I have follow up to provide and don't know how to link it up.

I got further info from (b) (6).

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Thursday, February 25, 2021 1:40 PM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Ethics Review/Question

Hi Tala,

We're trying to train me to send counseling questions like yours to our shared mailbox ([ethics@epa.gov](mailto:ethics@epa.gov)) so that they can be tasked among the group. So I'm going to forward your question for response by someone else (it's also my way of ensuring that more people on my team get to work on fun questions like yours). Since it may be a day or two before we get back to you, I did want to let you know that, based on what you've described, I don't expect that our advice will be to have (b) (6) decline the job. We may ask you to recuse from working with (b) (6) on specific party matters, as a prudential matter, but your note already indicates that's unlikely to happen.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Thursday, February 25, 2021 11:12 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>



**Cc:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** Ethics Review/Question

**Importance:** High

Hi Justina,

As you likely recall, my spouse, (b) (6)

(b) (6)  
(b) (6)  
(b) (6)  
(b) (6) (see additional info below).

(b) (6)  
(b) (6). To this end, I am seeking your input and guidance on whether there would be a COI or other ethics issue for ME if (b) (6) as a client to perform the work described below? If it would, (b) (6) would be inclined to decline this offer so as not to present any issue for me in performing my duties & responsibilities at EPA.

I look forward to OGC-Ethics input and guidance,

Tala

(b) (6)  
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(b) (6)  
(b) (6)  
(b) (6)

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

**From:** [Henry, Tala](#)  
**To:** [ethics](#)  
**Cc:** [Henry, Tala](#)  
**Subject:** Request  
**Date:** Wednesday, March 10, 2021 8:04:14 AM  
**Attachments:** [RE Ethics ReviewQuestion.msg](#)

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I need an answer/advice regarding the attached request for input. My spouse needs to respond to the request for his services

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: failure to report financial transactions timely  
**Date:** Sunday, March 1, 2020 11:39:00 PM

---

Hi Tala,

I'll waive the late filing fee for December 2019, January 2020 and February 2020 but I will not grant you prospective extensions. Please call me next week (Wednesday, Thursday or Friday) so we can discuss further.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Saturday, February 29, 2020 7:52 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** Re: failure to report financial transactions timely

I am requesting an extension for filing transactions for December 2019, January 2020 and February 2020 because I am not notified of transactions for a given month until the following month do it is always possible that I will not be notified within 30 days of a transaction, e.g., I a transaction took place in the first week of a month and I do not receive notice until the first week of the following month, then 30 days could have accrued between the transaction and when I am notified. Until I can discuss this process and the reporting requirements, I need an extension for all months listed above.

I am on Agrncy travel Monday and Tuesday this coming week, but request to meet with you at a designer on Wednesday, Thursday or Friday next week.

Thank you,

Tala

Sent from my iPhone

On Feb 29, 2020, at 5:57 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Dear Tala,

On 12/26/19, you filed a Periodic Transaction Report (278-T) that reported on (b) (6) transactions. We appreciate that you realized you needed to report periodic transactions, as indicated in the attachment. However, of those (b) (6) transactions, (b) (6) of the reportable ones occurred on 11/7/19 with another (b) (6) reportable transactions occurring on 11/13/19. For all of the transactions, you entered "no" in the column entitled "notification received over 30 days ago" meaning that you learned of the transactions within 30 days of their taking place. When you submitted the 278-T to us, you affirmed that you were certifying that "the statements [you] have made in this form are true, complete, correct to the best of [your] knowledge."

In calculating the length of time between the transactions and filing of the 278-T, we found that the 11/7/19 transactions occurred 50 days prior to your filing the 278-T, while the 11/13/19 transactions occurred 44 days beforehand. Unfortunately for you, as a public financial disclosure filer, you are required to file the 278-T within 30 days of

receiving notification of a transaction or 45 days from the date of the transaction, whichever is earlier. See 5 U.S.C. app. § 103(l). You did not ask in advance for an extension of time to file and then failed to meet the filing deadline.

Under the STOCK Act, all public filers must file periodic transaction reports in a timely manner. On 8/29/19, David Cozad, the Acting Designated Agency Ethics Official, issued the attached memorandum that reminded you of this obligation and informed you that the penalty for failing to file timely is \$200. 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. At this point, your ethics officials are in the position of having to fine you \$200 for the missed reports.

Because this is your first violation, we have certified your report. We assumed that you would want to request a waiver, so are granting you this **one-time** reprieve from the late filing fee associated with this report and for any other late 278-Ts that were filed before January 31, 2020. **For all future reports, however, you are on notice that you will have to file timely or ask for an extension.** Should you again miss a deadline, then you will be fined the \$200 late fee but advised that you may seek a waiver pursuant to 5 C.F.R. § 2634.704(b). **That you are on notice already** will, of course, be taken into consideration for any future request for a waiver.

If you have any questions about your financial disclosure reporting requirements, please contact me or [ethics@epa.gov](mailto:ethics@epa.gov). In the future, please make sure that you file your periodic transaction reports on time.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx>

<Advisory to all 278 filers about filing fee.pdf>

<tala henry 12-26-19.pdf>

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: failure to report financial transactions timely  
**Date:** Sunday, March 1, 2020 11:37:00 PM  
**Attachments:** [Advisory to all 278 filers about filing fee.pdf](#)

---

Hi Tala,

Yes, we've been too lenient in the past, which is why we issued the advisory last year to put everyone on notice about the actual rules, which are set forth at 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. The requirement is to file the 278-T within 30 days of receiving notification of a transaction or 45 days from the date of the transaction, **whichever is earlier** (not later). See 5 U.S.C. app. § 103(l). In other words, if a transaction occurs on May 1, but your broker doesn't mail you the statement until May 30, and you don't get it for a week, then are on vacation for a week, you may not be able to submit your periodic report until after the 45<sup>th</sup> day of the transaction. You'll have to request a waiver of the filing fee when you submit that report.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Saturday, February 29, 2020 7:24 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: failure to report financial transactions timely

I don't get the transaction report until the month after they occur, i.e., I don't receive the November transaction report until December. I did file the 278-T report within the month of receiving the transactions report, which is what I understood was the acceptable practice. So, I need to meet with someone to discuss this, as I did not understand this as the process.

Sent from my iPhone

On Feb 29, 2020, at 5:57 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Dear Tala,

On 12/26/19, you filed a Periodic Transaction Report (278-T) that reported on [REDACTED] transactions. We appreciate that you realized you needed to report periodic transactions, as indicated in the attachment. However, of those [REDACTED] transactions, [REDACTED] of the reportable ones occurred on 11/7/19 with another [REDACTED] reportable transactions occurring on 11/13/19. For all of the transactions, you entered "no" in the column entitled "notification received over 30 days ago" meaning that you learned of the transactions within 30 days of their taking place. When you submitted the 278-T to us, you affirmed that you were certifying that "the statements [you] have made in this form are true, complete, correct to the best of [your] knowledge."

In calculating the length of time between the transactions and filing of the 278-T, we found that the 11/7/19 transactions occurred 50 days prior to your filing the 278-T, while the 11/13/19 transactions occurred 44 days beforehand. Unfortunately for you, as a public financial disclosure filer, you are required to file the 278-T within 30 days of receiving notification of a transaction or 45 days from the date of the transaction, whichever is earlier. See 5 U.S.C. app. § 103(l). You did not ask in advance for an extension of time to file and then failed to meet the filing deadline.

Under the STOCK Act, all public filers must file periodic transaction reports in a timely manner. On 8/29/19, David Cozad, the Acting Designated Agency Ethics Official, issued the attached memorandum that reminded you of this obligation and informed you that the penalty for failing to file timely is \$200. 5 U.S.C. app. § 104(d)(1), 5 C.F.R. § 2634.704. At this point, your ethics officials are in the position of having to fine you \$200 for the missed reports.

Because this is your first violation, we have certified your report. We assumed that you would want to request a waiver, so are granting you this **one-time** reprieve from the late filing fee associated with this report and for any other late 278-Ts that were filed before January 31, 2020. **For all future reports, however, you are on notice that you will have to file timely or ask for an extension.** Should you again miss a deadline, then you will be fined the \$200 late fee but advised that you may seek a waiver pursuant to 5 C.F.R. § 2634.704(b). **That you are on notice already** will, of course, be taken into consideration for any future request for a waiver.

If you have any questions about your financial disclosure reporting requirements, please contact me or [ethics@epa.gov](mailto:ethics@epa.gov). In the future, please make sure that you file your periodic transaction reports on time.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx>

<Advisory to all 278 filers about filing fee.pdf>

<tala henry 12-26-19.pdf>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19  
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).<sup>3</sup> Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The earlier of 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov), to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.



# When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19  
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).<sup>3</sup> Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The earlier of 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov), to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report  
**Date:** Friday, July 2, 2021 10:47:00 AM

---

Thanks Tala! I certified your report this morning.

And about your other email regarding the (b) (6) reporting. It's not necessarily a new requirement, just one that we probably haven't followed up on in the past. But as you can see from OGE's 278 guide, filers are required to specify the assets held in a (b) (6) account. You can find more information [here](#).

Have a great long weekend!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Thursday, July 01, 2021 3:59 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Cc:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report

Hi Shannon,

I went in and added each of the parts of (b) (6) and resubmitted.

Let me know if anything else is needed.

Thanks, Tala

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Wednesday, June 30, 2021 8:39 AM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report

I went ahead and made the change to Entry 99 to reflect the correct name and value.

For the (b) (6), I'm going to go ahead and send the report back to you in Integrity so you can add those underlying holdings. Just put everything in Part 5 (Spouse's assets and income). You can either list the underlying assets under the general (b) (6) entry you have (as the parent asset), or remove it and then put separate entries for the underlying holdings (if the value was over \$1,000 at the end of the reporting period or if more than \$200 in income was received). You can begin each entry with (b) (6) so we know they are in that (b) (6). They would all be "EIFs" and then you'd need to select the appropriate value category and income amount for each.

Once you're done, make sure you go to the end of your report and hit submit so it gets sent back to me. And let me know if you have any other questions.

Thanks!  
Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Sent:** Wednesday, June 30, 2021 8:02 AM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Cc:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report  
**Importance:** High

Sorry for the delay, got lost in the shuffle.

1. (b) (6).” However, the fund name and abbreviation doesn’t match. Based on your transactions reported, did you mean “(b) (6)

Should I go into Integrity and fix it (can I get access?) or do you do it now that it is pushed to your stage??

2. Your spouse’s (b) (6) that is listed in Part 5. Is there any underlying holding(s) for this (b) (6) (specific fund name)? Yes, see below. For example: (b) (6)

For my spouse’s (b) (6) the following ‘funds’ are in the portfolio (as of Jan 1, 2021):

(b) (6)  
(b) (6)  
(b) (6)  
(b) (6)  
(b) (6)

I am seeking input/advice regarding this reporting, i.e., I have not done so before and no one requested I do so...am I suppose to be reporting these in ‘other assessts’?

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Sent:** Tuesday, June 29, 2021 9:13 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** FW: Follow-up from OGC/Ethics - your public financial disclosure report

Hi Tala,  
I’ve out of the office for a bit and realized I never heard back from you about these questions. I’d like to get your report certified this week, so please let me know as soon as you can.

Thanks,  
Shannon  
Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Griffo, Shannon

**Sent:** Friday, June 11, 2021 9:19 AM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** Follow-up from OGC/Ethics - your public financial disclosure report

Hi Tala,

I've gotten through your annual report, and just had two follow-up questions for you:

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** [Henry, Tala](#)  
**To:** [Griffo, Shannon](#)  
**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report  
**Date:** Wednesday, June 30, 2021 9:32:18 AM

---

(b) (6)

I am confused about this “new” requirement.

After I make the changes, would appreciate further discussion about this change in requirement.

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Wednesday, June 30, 2021 8:39 AM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report

I went ahead and made the change to Entry 99 to reflect the correct name and value.

For the (b) (6), I’m going to go ahead and send the report back to you in Integrity so you can add those underlying holdings. Just put everything in Part 5 (Spouse’s assets and income). You can either list the underlying assets under the general (b) (6) entry you have (as the parent asset), or remove it and then put separate entries for the underlying holdings (if the value was over \$1,000 at the end of the reporting period or if more than \$200 in income was received). You can begin each entry with (b) (6) so we know they are in that (b) (6). They would all be “EIFs” and then you’d need to select the appropriate value category and income amount for each.

Once you’re done, make sure you go to the end of your report and hit submit so it gets sent back to me. And let me know if you have any other questions.

Thanks!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Wednesday, June 30, 2021 8:02 AM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Cc:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Follow-up from OGC/Ethics - your public financial disclosure report

**Importance:** High

Sorry for the delay, got lost in the shuffle.

1. (b) (6).” However, the fund name and abbreviation doesn’t match. Based on your transactions reported, did you mean “(b) (6)



(b) (6)

Should I go into Integrity and fix it (can I get access?) or do you do it now that it is pushed to your stage??

2. Your spouse's (b) (6) that is listed in Part 5. Is there any underlying holding(s) for this (b) (6) (specific fund name)? Yes, see below. For example: (b) (6)

For my spouse's (b) (6), the following 'funds' are in the portfolio (as of Jan 1, 2021):

(b) (6)

I am seeking input/advice regarding this reporting, i.e., I have not done so before and no one requested I do so...am I suppose to be reporting these in 'other assessts'?

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Tuesday, June 29, 2021 9:13 AM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** FW: Follow-up from OGC/Ethics - your public financial disclosure report

Hi Tala,

I've out of the office for a bit and realized I never heard back from you about these questions. I'd like to get your report certified this week, so please let me know as soon as you can.

Thanks,

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Griffo, Shannon

**Sent:** Friday, June 11, 2021 9:19 AM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** Follow-up from OGC/Ethics - your public financial disclosure report

Hi Tala,

I've gotten through your annual report, and just had two follow-up questions for you:

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** [Fugh, Justina](#)  
**To:** [Henry, Tala](#); [ethics](#)  
**Subject:** RE: FOR INTEGRITY FILING  
**Date:** Monday, May 14, 2018 10:24:43 AM

---

Nope.

---

**From:** Henry, Tala

**Sent:** Sunday, May 13, 2018 3:34 PM

**To:** ethics <ethics@epa.gov>

**Subject:** FOR INTEGRITY FILING

DO I INCLUDE TRAVEL REIMBURSEMENTS THAT WERE 'IN-KIND' AND APPROVED BY YOU GUYS AS PART OF TA (ETHICS FORM)?

Tala R. Henry, Ph.D.

Acting Deputy Director

Office of Pollution Prevention and Toxics

U.S. Environmental Protection Agency

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** [Fugh, Justina](#)  
**To:** [Griffo, Shannon](#)  
**Subject:** RE: OCSSP - Tala Henry recusal?  
**Date:** Friday, April 23, 2021 1:59:27 PM

---

I agree, and let's be sure to have them point out that she's a career employee, not a political appointee subject to EO 13770.

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Friday, April 23, 2021 12:54 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: OCSSP - Tala Henry recusal?

No worries. They've sent me like 10 emails about it so far today.....

This is the language of the request:

- The Recusal Statements of Deputy Director of the Office of Pollution Prevention & Toxics Tala Henry, pursuant to Executive Order 13770 and/or any other order, regulation, or statute, dated between July 1, 2009 and April 9, 2021, similar in form or function to [https://www.peer.org/wp-content/uploads/2019/10/10\\_9\\_19\\_dennis-deziel-recusal-info.pdf](https://www.peer.org/wp-content/uploads/2019/10/10_9_19_dennis-deziel-recusal-info.pdf).

My response to OCSP will be that we have no responsive records. It's only asking for recusal statements (pursuant to any ethics reg/statute), and we don't have any. Agree? I'll point out that someone can let the requestor know she is a career employee and thus not subject to the E.O. But I don't interpret the request to cover impartiality determinations.

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Friday, April 23, 2021 12:41 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: OCSSP - Tala Henry recusal?

Sorry that I didn't have time to alert you that it was coming. I talked to Tala at 10:30 am and then have been on calls since (crazy busy day ... another nominee and two preclearances). I don't know what PEER is thinking, but Tala is not political. She has no recusal statement, though we have sent her impartiality determinations. I can't speak to what we might have in hard copy in the office, but I know there aren't any recusal statements (I asked her that this morning). (b) (5), (b) (6)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Sent:** Friday, April 23, 2021 11:47 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** OCSSP - Tala Henry recusal?

I'm working with OCSP on the FOIA request that Tala Henry contacted you about previously. I just

want to confirm that you aren't aware of any recusal statement she's signed in the past? I checked the share drive and there's nothing. Not even a cautionary note, although I wouldn't consider that responsive here.

Thanks!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** [Griffo, Shannon](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Question from OGC/Ethics about your periodic transaction report  
**Date:** Monday, October 19, 2020 3:57:00 PM

---

I went ahead and added that amount. Thanks for the quick response!  
Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Sent:** Monday, October 19, 2020 3:16 PM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: Question from OGC/Ethics about your periodic transaction report

It's the (b) (6)

Thanks

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Sent:** Monday, October 19, 2020 2:25 PM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** Question from OGC/Ethics about your periodic transaction report

Hi Tala,

I'm reviewing your most recent periodic transaction report in Integrity, and realized you don't have an amount identified for one of your sales. See below. If you want to give me the amount range (1-15,000; 15,000-50,000 etc), I can fill it in for you and get your report certified.

Thanks!

Shannon

---

(b) (6), (b) (3) (A)

Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** [Mosley, Ferne](#)  
**To:** [Henry, Tala](#)  
**Subject:** RE: Question  
**Date:** Tuesday, March 2, 2021 5:51:00 PM

---

Yes, you are!  
Have a good evening.  
Ferne

*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Sent:** Tuesday, March 2, 2021 5:46 PM  
**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Subject:** RE: Question  
OK, thanks for clarifying...at least im 'ahead' for the annual reporting.  
Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Sent:** Tuesday, March 2, 2021 5:09 PM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: Question

Yes, mutual fund/ETF transactions are required to be reported on an annual report, not a periodic report. Since you've included these mutual fund transactions on a periodic report, when you begin your annual report next year, the system will allow you to import that information so you don't have to type it again.

Any mutual fund transactions that are not reported on a periodic report, will have to be added on the annual report.

Ferne  
*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW



Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Tuesday, March 2, 2021 5:04 PM

**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Subject:** RE: Question

That is good!...do I have to report "transactions" in the annual report for these?

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Sent:** Tuesday, March 2, 2021 2:42 PM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** RE: Question

Hi Tala – I checked both reports and they are all mutual or exchange-traded funds that are not subject to periodic reporting.

Ferne

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency

Ethics Office/Office of General Counsel

William Jefferson Clinton Building North, Room 4113A

1200 Pennsylvania Ave, NW

Washington, DC 20460

(202) 564-8046 (desk)

(202) 306-2998 (mobile)

[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Tuesday, March 2, 2021 2:35 PM

**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Subject:** Re: Question

The (b) (6), so I never used to report except in annual report holdings.

The new account doesn't seem (to me) to be a mutual fund b/c they tell me individual fund transactions... can you look at what I submitted today...the first one are transactions within my husbands (b) (6) (have been reporting these for awhile). The second one is for the January transactions within my 'new' (b) (6) ...from what you see, are these all required to be reported or not?

Thanks!

Sent from my iPhone

On Mar 2, 2021, at 2:23 PM, Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)> wrote:

Hello, Tala – mutual fund transactions do not have to be reported periodically; only stocks, bonds, and other securities. If you choose to file a periodic report for mutual funds, there's no late filing fee penalty since it is not subject to periodic reporting, so you don't need to provide an explanation about the timing.

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

---

**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Sent:** Tuesday, March 2, 2021 1:11 PM

**To:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>

**Subject:** Question

I moved an (b) (6) ... the movement of \$\$ happened in January, but I did not have the electronic 'stuff' set up to receive the monthly statement til Feb, so there are acquisitions (purchases) that were made in January that I need to put into Integrity...I will have to check the "over 30 days" box, but don't think this was really under my control...should I make a note in the comment box regarding the timing of the transfer?

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention & Toxics

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

**From:** [Henry, Tala](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: REMINDER: Your public financial disclosure report is due 5/15/20!  
**Date:** Thursday, April 16, 2020 3:26:44 PM

---

Thank you...I got in after 4 tries...was a bit slow, but just finished 288-T for March

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Thursday, April 16, 2020 1:29 PM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: REMINDER: Your public financial disclosure report is due 5/15/20!

Hi Tala,

I'm in now, using Chrome, and having no problems. But in mid-April, they did some maintenance work and sent a suggestion that clearing your browser's cache could improve things. You might try using Chrome, first of all, or clearing your cache. To clear your Internet browser cache, [Read how here](#).

See if that works!  
Justina

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**From:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Sent:** Thursday, April 16, 2020 1:23 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER: Your public financial disclosure report is due 5/15/20!

Hi Justina,

Im not being able to get into Integrity...have you heard anything about them having problems?

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, April 14, 2020 10:17 AM  
**Subject:** REMINDER: Your public financial disclosure report is due 5/15/20!

Hi there,

Well, you may try to hide by not coming into the office anymore but you can't avoid the inevitable: it's time to file your public financial disclosure report. **Your 278 is due May 15, 2020** and, as of today, you have not yet submitted your report in [Integrity](#). You are required to file this report so contact me if you don't understand why you receiving this message.

Even though we're working remotely and balancing home and work life as best we can, this financial

disclosure reporting obligation remains the same. The U.S. Office of Government Ethics cannot alter the May 15 due date because it's set by statute. However, you may request an individual extension of your due date. We may grant you an extension of the due date up to 45 days or, for extraordinary circumstances (e.g., extended sick leave), up to 90 days. To request a deadline, write to us prior to May 15 and provide a specific reason (just saying "COVID 19" is not a specific enough; we need to know why YOU can't make the deadline), and tell us whether you need 45 or 90 days. **To request an extension, please send an email to [ethics@epa.gov](mailto:ethics@epa.gov).** You will get an email response from us with our determination.

#### **WHAT HAPPENS IF YOU MISS THE DEADLINE**

We will assess a \$200 late filing fee. We reminded all filers last year (see attached pdf) that you must respect the filing deadlines and provide an accurate report.

- **Late fee: a \$200 late filing fee is imposed by law for any financial disclosure report filed more than 30 days after the due date.** A waiver of the late fee will be granted only for extraordinary circumstances. If you need more time, request an extension from [ethics@epa.gov](mailto:ethics@epa.gov) before the deadline.

#### **DON'T FORGET TO REPORT TRANSACTIONS**

- For your annual report, you can upload your periodic transaction reports (OGE 278Ts) that you filed during the year. Also remember to report the purchases, sales or exchanges of any excepted investment funds (over \$1000 per transaction). You can refresh your recollection about transactions filings by reviewing the attached word document.
- Periodic transaction reports (OGE 278-T) – Remember, you must file an OGE 278-T in *Integrity* to report the purchase, sale, or exchange of stocks, bonds, and other securities over \$1,000 *the earlier of* 30 days of learning of a transaction but no more than 45 days of the transaction taking place. Again, we can fine you \$200 for any missed transaction filing.

#### **DO YOUR BEST TO REPORT ALL NECESSARY INFORMATION**

- Submit a complete and accurate report: When you submit your report, you are certifying that the report is complete and accurate, so make sure that you provide all of the required information. Look, we know this report can be confusing, so contact us before you file if you have questions. Don't just ignore the obligation or the deadline!
- Do not include Personally Identifiable Information (PII): To protect your privacy, we recommend that you do not disclose personally identifiable information such as account numbers, names of your spouse or children, names of your domestic financial institutions, or other PII. We will do our best to redact this information if you inadvertently disclose it on your report, but the best practice is for you to omit disclosing this information.

#### **GET BACK TO US WITHIN 14 DAYS**

- Respond timely to our follow-up questions: If someone from OGC/Ethics contacts you for additional information, you must respond within 14 days of the request or show good cause for your delay. If you willfully fail to file a report or fail to provide the necessary information, then please know that there are consequences. You may be referred to the U.S. Attorney General for civil prosecution. I know it seems harsh, but you have a serious responsibility here, and we have a duty to enforce this obligation. Once, I had to refer a former EPA person who, after multiple reminders and entreaties, failed to file her termination 278. In the end, she submitted her form and also paid a civil penalty of \$15,000.

#### **REMINDER ABOUT WHAT "PUBLIC" DISCLOSURE MEANS**

- Your report is available to the public upon request: We are required by law to release any OGE 278e or 278-T after 30 days of filing upon the written request by a member of the public. We do not need your prior permission, though we will send you a courtesy email (unless the requestor is a federal investigator). Just so you know, OGC/Ethics is currently processing several requests from media outlets and other organizations to inspect the public reports of Agency filers.

Please contact me or [ethics@epa.gov](mailto:ethics@epa.gov) if you have questions. Your OGC/Ethics friends are standing by to help as always!

Stay safe and stay strong!  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Tala R. Henry Ph.D.  
Deputy Director  
Office of Pollution Prevention & Toxics  
T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

Tala R. Henry Ph.D.  
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# When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No



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<sup>1</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

Message

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**From:** Fugh, Justina [Fugh.Justina@epa.gov]  
**Sent:** 4/9/2019 8:11:41 PM  
**To:** Ross, Margaret [Ross.Margaret@epa.gov]  
**Subject:** FW: warning about transaction reports: you need to file them timely in the future!  
**Attachments:** Fwd: Taxes Prep and Ethics Reporting

**Importance:** High  
**Flag:** Follow up

Found this message from Tala Henry. Can you follow up with her? I overlooked her email from a couple of weeks ago. Sigh.

---

**From:** Henry, Tala  
**Sent:** Monday, March 25, 2019 7:46 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: warning about transaction reports: you need to file them timely in the future!  
**Importance:** High

Justina,

Please see attached dialog with my financial advisor...it describes the type of Ex. 6 Personal Privacy (PP) I have. Do I still have to report each and every transaction?

I am asking for clarification b/c you told me below that I am supposed to, but I had not had to do this in any previous year, so I am trying to understand what changed. The Ex. 6 Personal Privacy (PP) that we do not direct or manage at all, just like all of our other Ex. 6 Personal Privacy (PP)

Pls re-confirm that I have to report bond transactions monthly.

Thx, Tala

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Fugh, Justina  
**Sent:** Wednesday, February 06, 2019 9:43 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: warning about transaction reports: you need to file them timely in the future!

Hi Tala,

Though you have a managed account, you are still responsible for the assets and have a conflict of interest. In addition, you are responsible for reporting any transactions timely. See the attached cheat sheet. Because your account manager bought and sold Ex. 6 Personal Privacy (PP) during the year, you are obliged to report those transactions within 30 days of notification and not later than 45 days after the transaction itself. To put it bluntly, the STOCK Act requires you to pay closer attention to what your account manager is doing.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala

**Sent:** Wednesday, February 06, 2019 7:50 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: warning about transaction reports: you need to file them timely in the future!

I don't understand the Bond issue. The only **Ex. 6 Personal Privacy (PP)** or something. We don't decide or manage them. Please help me understand.

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Fugh, Justina

**Sent:** Tuesday, February 05, 2019 10:43 PM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** warning about transaction reports: you need to file them timely in the future!

Tala,  
We were tardy in reviewing financial disclosure reports this year (it was a tough year for us), and I ended up certifying your report, but want to mention two things for you for the future:

#### SPOUSAL ASSETS AND INCOME

For the coming filing, you will need to specify the assets held in your spouse's **Ex. 6 Personal Privacy (PP)** You can't simply say **Ex. 6 Personal Privacy (PP)** Please refer [here](#) to find out how to report that asset correctly.

#### TRANSACTIONS REGARDING BONDS

We noticed that you did not report the purchase of bonds using the periodic transaction report, the OGE 278T. All transactions of securities and bonds, including municipal general obligation and revenue bonds, **MUST BE REPORTED TIMELY**. You are required by the STOCK Act to report those transactions within 30 days of receiving notification and not later than 45 days after the transaction itself. You can be fined \$200 for any missed transaction. I've waived the late filing fee for last year, but be advised that you should not miss any future transaction reports. To file a periodic transaction, go to [www.INTEGRITY.gov](http://www.INTEGRITY.gov).

Thanks,  
Justina

Message

---

**From:** tala henry [Ex. 6 Personal Privacy (PP)]  
**Sent:** 3/25/2019 11:39:08 AM  
**To:** Henry, Tala [Henry.Tala@epa.gov]  
**Subject:** Fwd: Taxes Prep and Ethics Reporting  
**Attachments:** ATT00001.txt; image002.jpg

----- Forwarded message -----

**From:** [Ex. 6 Personal Privacy (PP)]  
**Date:** Tue, Feb 12, 2019, 2:53 PM  
**Subject:** RE: Taxes Prep and Ethics Reporting  
**To:** tala henry [Ex. 6 Personal Privacy (PP)]  
**Cc:** [Ex. 6 Personal Privacy (PP)]

Hi Tala -

As for the bond transactions, I'm assuming the regulations require you to supply notification of transactions with only **individual bonds**, not bond mutual funds or ETFs.

## Ex. 6 Personal Privacy (PP)

- 
- **Ex. 6 Personal Privacy (PP)**
- 

We have other clients who are subject to similar reporting requirements, and who have portfolios with us which contain [Ex. 6 Personal Privacy (PP)] such as yours. We have found that the ethics folks tend to understand that since the holdings in the account (in this case, your [Ex. 6 Personal Privacy (PP)]) aren't directed by you and are managed by a third party discretionary manager, those holdings would be exempt from reporting. Different Agency ethics offices may have different views on this, but I am happy to speak with your contact in the EPA ethics and reporting office and see if this exclusion would apply to the [Ex. 6 Personal Privacy (PP)] in your account.

If you are Ok with this, please send me the information for your contact in the ethics and reporting office and I will be glad to explore this on your behalf. I suggest we start with this approach. If it doesn't work out, we can look at other ways to make the reporting easy for you.

Best Regards,

**Ex. 6 Personal Privacy (PP)**

**Ex. 6 Personal Privacy (PP)**

Click Here to View Our **Ex. 6 Personal Privacy (PP)**

*The work that we do for our clients is important. Please let others know about our services.*

**Ex. 6 Personal Privacy (PP)**

Please be advised that this e-mail is not an official transaction confirmation. Official confirmation will be sent to you under separate cover. E-Mail is not a secure medium and should not be used to communicate confidential or personal information.

This communication is confidential and intended only for the addressee. If you are not the intended recipient, you may not copy, disclose, or distribute this message to anyone else; any such actions may be unlawful. If you have received this communication in error, please contact the sender of the message to inform him or her of the error. Additionally, do not send information you consider confidential via email as it may not be transmitted through a secure line. Instead, please call us directly. The delivery of this information should not be considered to be an offer or solicitation of securities and in no way guarantees the future performance of the securities. Past performance is no guarantee of future results.

Neither **Ex. 6 Personal Privacy (PP)** nor any of its employees are authorized to practice law; all guidance represents our non-legal opinion only and may not be construed as legal advice. **Ex. 6 Personal Privacy (PP)** employees are not authorized to prepare tax returns or represent clients before state or federal tax authorities, or in our court. Please consult your tax advisor for all final tax advice.

**From:** tala henry [mailto:**Ex. 6 Personal Privacy (PP)**]  
**Sent:** Sunday, February 10, 2019 4:50 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Cc:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** Taxes Prep and Ethics Reporting

**Ex. 6 Personal Privacy (PP)**

It is that time of year. A couple of things:

1) When will we get the **Ex. 6 Personal Privacy (PP)**

2) I have found that **Ex. 6 Personal Privacy (PP)**

**Ex. 6 Personal Privacy (PP)**

3) I need the 'download; of all Transactions from our **Ex. 6 Personal Privacy (PP)**  
(there are two for 2018).

4) In addition, I have been informed that the STOCK ACT requires that I report EVERY transaction involving the **Ex. 6 Personal Privacy (PP)** within 30 days of the transaction to avoid being fined \$200 per transactions. So, can you tell me what section I would find this into in the monthly statement and/or if you actively buy/sells the **Ex. 6 Personal Privacy (PP)** or if these are something we bought once and they are just an instrument that accrues dividends over the year? If I recall, **Ex. 6 Personal Privacy (PP)** those are the transactions I will have to report within 30 days, so would appreciate an email anytime that happens

Thanks,

Tala

Message

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**From:** Henry, Tala [Henry.Tala@epa.gov]  
**Sent:** 4/15/2019 1:38:08 PM  
**To:** Ross, Margaret [Ross.Margaret@epa.gov]  
**CC:** Fugh, Justina [Fugh.Justina@epa.gov]  
**Subject:** RE: Bonds & Transactions

I just attested/saved

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: henry.tala@epa.gov

---

**From:** Ross, Margaret  
**Sent:** Monday, April 15, 2019 9:26 AM  
**To:** Henry, Tala <Henry.Tala@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Bonds & Transactions

Hi Tala,

I'm guessing that you got my VM this morning. I tried to take a look at your transaction report, but I didn't see anything. Did you submit the report (go to "submit report" check the attestation box, then click submit)?

I would be happy to talk to your financial advisor about this. Would you like me to give him a call?

The fact that your broker acted as your agent is exactly why you do need to report these transactions. You're paying someone to act on your behalf. You own the assets, they are your responsibility to report. If a metaphor might help, think about someone who owns a lovely garden, and pays a gardener to tend it. You like flowers, so they plant flowers. You change your mind, they replace the flowers with something else. The gardener buys the plants, but you provide the budget and pay the gardener to do it with your money. When the gardener buys something with your money – you own it. If your gardener doesn't let you tell him/her exactly which plants to buy and which to get rid, that's fine, but it doesn't mean that the gardener owns the plants. Your money, your agent, your plants. If you had to create an inventory of all of the plants that you own, you'd have to list all of the plants in the garden. If you had to report the changes in your garden from season to season, you'd have to report say which plants were removed and which were added. Your bond manager = your bond gardener. You own the assets, and reporting them is your responsibility.

You state "I am still not sure that this is required since it was not before (I am still confused as to why)". The STOCK Act and subsequent implementing regulation have required transaction reports for any transaction of a security (including bonds) of over \$1000 for a number of years now. If you or your agent has been trading securities in amounts over \$1000 per trade, and you have not been reporting them, then you've been out of compliance with the law, and could be subject to penalties. We are not out to punish you, all we're asking is that you come into compliance from this point forward.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Monday, April 15, 2019 8:23 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: Bonds & Transactions  
**Importance:** High

Having been recently informed about the bond reporting requirement (when previously had not done this reporting for bonds and was not told it was required), I just went back through the two statements I received since I received Justina's note on this matter (02/05/19) and recorded [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)] but I am still not sure that this is required since it was not before (I am still confused as to why); nonetheless, I put in the entries so they are there while we continue to work out why this is not needed.

On my transaction for these [Ex. 6 Personal Privacy (PP)] I have attached a page from the latest statement...as example.

Please confirm your opinion on this matter is same as below upon review of this statement.

Thx,  
Tala

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** Ross, Margaret  
**Sent:** Wednesday, April 10, 2019 2:34 PM  
**To:** Henry, Tala <Henry.Tala@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Bonds & Transactions

Hi Tala,

Justina asked me to respond to your question about your [Ex. 6 Personal Privacy (PP)] You asked whether, given that the account is managed independently and does not accept buy/sell orders, whether it could be excused from having to report the transactions of individual [Ex. 6 Personal Privacy (PP)]

The answer is no: only excepted investment funds are excused from such periodic transaction reporting. There are three criteria for defining an EIF.

An excepted investment fund is an investment fund that is:

- "independently managed,"
- "widely held," and



- either “publicly traded or available” or “widely diversified.”

The first issue is that a managed account is not a “fund.” It sounds like you own each of your Ex. 6 Personal Privacy (PP) directly and in your own name, even though this company manages your Ex. 6 Personal Privacy (PP) for you. Ex. 6 Personal Privacy (PP) **Ex. 6 Personal Privacy (PP)** – your money is used to buy and sell Ex. 6 Personal Privacy (PP) specifically for you. So, this is not a fund – and OGE has been very clear that they do not consider managed accounts to be EIFs.

Next is independent management. If it were a fund, in order to be considered an independently managed fund an investor must “lack the ability to exercise control over the financial interests.” Even if you cannot issue buy/sell orders, you may still have the ability to direct the account manager to make certain adjustments to your portfolio based on parameters or your particular investment objectives.

If I’m wrong about that, and the company does pool the funds you contribute with the other investors contributions (more than 100 investors, to be specific), and uses that pooled set of funds to pursue a stated set of investment goals (i.e. not your goals, but their own), and does not allow individual influence over those pooled funds, then it could be called an EIF, and you would no longer need to report the transactions that occur within that fund.

Hope this helps, and I’d be happy to discuss as necessary with your financial advisor.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

Message

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**From:** Henry, Tala [Henry.Tala@epa.gov]  
**Sent:** 4/17/2019 11:45:59 AM  
**To:** Ross, Margaret [Ross.Margaret@epa.gov]  
**Subject:** RE: Bonds & Transactions

Were you able to see the two 278-Ts I put in on Monday?

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: henry.tala@epa.gov

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**From:** Ross, Margaret  
**Sent:** Monday, April 15, 2019 9:26 AM  
**To:** Henry, Tala <Henry.Tala@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Bonds & Transactions

Hi Tala,

I'm guessing that you got my VM this morning. I tried to take a look at your transaction report, but I didn't see anything. Did you submit the report (go to "submit report" check the attestation box, then click submit)?

I would be happy to talk to your financial advisor about this. Would you like me to give him a call?

The fact that your broker acted as your agent is exactly why you do need to report these transactions. You're paying someone to act on your behalf. You own the assets, they are your responsibility to report. If a metaphor might help, think about someone who owns a lovely garden, and pays a gardener to tend it. You like flowers, so they plant flowers. You change your mind, they replace the flowers with something else. The gardener buys the plants, but you provide the budget and pay the gardener to do it with your money. When the gardener buys something with your money – you own it. If your gardener doesn't let you tell him/her exactly which plants to buy and which to get rid, that's fine, but it doesn't mean that the gardener owns the plants. Your money, your agent, your plants. If you had to create an inventory of all of the plants that you own, you'd have to list all of the plants in the garden. If you had to report the changes in your garden from season to season, you'd have to report say which plants were removed and which were added. Your bond manager = your bond gardener. You own the assets, and reporting them is your responsibility.

You state "I am still not sure that this is required since it was not before (I am still confused as to why)". The STOCK Act and subsequent implementing regulation have required transaction reports for any transaction of a security (including bonds) of over \$1000 for a number of years now. If you or your agent has been trading securities in amounts over \$1000 per trade, and you have not been reporting them, then you've been out of compliance with the law, and could be subject to penalties. We are not out to punish you, all we're asking is that you come into compliance from this point forward.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

---

**From:** Henry, Tala  
**Sent:** Monday, April 15, 2019 8:23 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: Bonds & Transactions  
**Importance:** High

Having been recently informed about the bond reporting requirement (when previously had not done this reporting for bonds and was not told it was required), I just went back through the two statements I received since I received Justina's note on this matter (02/05/19) and recorded **Ex. 6 Personal Privacy (PP)**  
**Ex. 6 Personal Privacy (PP)** but I am still not sure that this is required since it was not before (I am still confused as to why); nonetheless, I put in the entries so they are there while we continue to work out why this is not needed.

On my transaction for these **Ex. 6 Personal Privacy (PP)** I have attached a page from the latest statement...as example.  
Please confirm your opinion on this matter is same as below upon review of this statement.  
Thx,  
Tala

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Ross, Margaret  
**Sent:** Wednesday, April 10, 2019 2:34 PM  
**To:** Henry, Tala <Henry.Tala@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Bonds & Transactions

Hi Tala,

Justina asked me to respond to your question about your **Ex. 6 Personal Privacy (PP)** You asked whether, given that the account is managed independently and does not accept buy/sell orders, whether it could be excused from having to report the transactions of individual **Ex. 6 Personal Privacy (PP)**

The answer is no: only excepted investment funds are excused from such periodic transaction reporting. There are three criteria for defining an EIF.

An excepted investment fund is an investment fund that is:

- "independently managed,"
- "widely held," and
- either "publicly traded or available" or "widely diversified."

The first issue is that a managed account is not a “fund.” It sounds like you own each of your <sup>Ex. 6 Personal Privacy (PP)</sup> directly and in your own name, even though this company manages your <sup>Ex. 6 Personal Privacy (PP)</sup> for you. **Ex. 6 Personal Privacy (PP)** <sup>Ex. 6 Personal Privacy (PP)</sup> your money is used to buy and sell <sup>Ex. 6 Personal Privacy (PP)</sup> specifically for you. So, this is not a fund – and OGE has been very clear that they do not consider managed accounts to be EIFs.

Next is independent management. If it were a fund, in order to be considered an independently managed fund an investor must “lack the ability to exercise control over the financial interests.” Even if you cannot issue buy/sell orders, you may still have the ability to direct the account manager to make certain adjustments to your portfolio based on parameters or your particular investment objectives.

If I’m wrong about that, and the company does pool the funds you contribute with the other investors contributions (more than 100 investors, to be specific), and uses that pooled set of funds to pursue a stated set of investment goals (i.e. not your goals, but their own), and does not allow individual influence over those pooled funds, then it could be called an EIF, and you would no longer need to report the transactions that occur within that fund.

Hope this helps, and I’d be happy to discuss as necessary with your financial advisor.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19  
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).<sup>3</sup> Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The <i>earlier of</i> 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov), to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

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<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

Message

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**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 4/10/2019 3:08:08 PM  
**To:** Fugh, Justina [Fugh.Justina@epa.gov]  
**Subject:** RE: warning about transaction reports: you need to file them timely in the future!

Sure.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Fugh, Justina  
**Sent:** Tuesday, April 9, 2019 4:12 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** FW: warning about transaction reports: you need to file them timely in the future!  
**Importance:** High

Found this message from Tala Henry. Can you follow up with her? I overlooked her email from a couple of weeks ago. Sigh.

---

**From:** Henry, Tala  
**Sent:** Monday, March 25, 2019 7:46 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: warning about transaction reports: you need to file them timely in the future!  
**Importance:** High

Justina,

Please see attached dialog with my financial advisor...it describes the type of Ex. 6 Personal Privacy (PP) I have. Do I still have to report each and every transaction?

I am asking for clarification b/c you told me below that I am supposed to, but I had not had to do this in any previous year, so I am trying to understand what changed. The Ex. 6 Personal Privacy (PP) that we do not direct or manage at all, just like all of our other Ex. 6 Personal Privacy (PP)

Pls re-confirm that I have to report bond transactions monthly.  
Thx, Tala

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Fugh, Justina  
**Sent:** Wednesday, February 06, 2019 9:43 AM  
**To:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: warning about transaction reports: you need to file them timely in the future!

Hi Tala,

Though you have a managed account, you are still responsible for the assets and have a conflict of interest. In addition, you are responsible for reporting any transactions timely. See the attached cheat sheet. Because your account manager bought and sold Ex. 6 Personal Privacy (PP) during the year, you are obliged to report those transactions within 30 days of notification and not later than 45 days after the transaction itself. To put it bluntly, the STOCK Act requires you to pay closer attention to what your account manager is doing.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Henry, Tala

**Sent:** Wednesday, February 06, 2019 7:50 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: warning about transaction reports: you need to file them timely in the future!

I don't understand the Bond issue. The only bonds we have are in Ex. 6 Personal Privacy (PP) We don't decide or manage them. Please help me understand.

Tala R. Henry, Ph.D.

Acting Deputy Director

Office of Pollution Prevention and Toxics

U.S. Environmental Protection Agency

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Fugh, Justina

**Sent:** Tuesday, February 05, 2019 10:43 PM

**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>

**Subject:** warning about transaction reports: you need to file them timely in the future!

Tala,

We were tardy in reviewing financial disclosure reports this year (it was a tough year for us), and I ended up certifying your report, but want to mention two things for you for the future:

#### SPOUSAL ASSETS AND INCOME

For the coming filing, you will need to specify the assets held in your Ex. 6 Personal Privacy (PP) You can't simply say Ex. 6 Personal Privacy (PP) Please refer [here](#) to find out how to report that asset correctly.

#### TRANSACTIONS REGARDING BONDS

We noticed that you did not report the purchase of bonds using the periodic transaction report, the OGE 278T. All transactions of securities and bonds, including municipal general obligation and revenue bonds, MUST BE REPORTED TIMELY. You are required by the STOCK Act to report those transactions within 30 days of receiving notification and not later than 45 days after the transaction itself. You can be fined \$200 for any missed transaction. I've waived the late filing fee for last year, but be advised that you should not miss any future transaction reports. To file a periodic transaction, go to [www.INTEGRITY.gov](http://www.INTEGRITY.gov).



Thanks,  
Justina

Message

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**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 5/13/2019 7:51:23 PM  
**To:** Henry, Tala [Henry.Tala@epa.gov]  
**CC:** Fugh, Justina [Fugh.Justina@epa.gov]  
**Subject:** RE: Bonds & Transactions

Don't know if Justina's already answered, but I would advise that until the trade is settled, it's not complete and could fall through. (Every sale requires a buyer, and vice versa – either could change their mind).

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Friday, May 10, 2019 8:45 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Bonds & Transactions  
**Importance:** High

I got my monthly Investment Account Statement and one: Ex. 6 Personal Privacy (PP)  
Ex. 6 Personal Privacy (PP) should I report now? OR presumably next month it would be settled?, so should I wait til then?

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

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**From:** Ross, Margaret  
**Sent:** Monday, April 15, 2019 9:26 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Bonds & Transactions

Hi Tala,

I'm guessing that you got my VM this morning. I tried to take a look at your transaction report, but I didn't see anything. Did you submit the report (go to "submit report" check the attestation box, then click submit)?

I would be happy to talk to your financial advisor about this. Would you like me to give him a call?

The fact that your broker acted as your agent is exactly why you **do** need to report these transactions. You're paying someone to act on your behalf. You own the assets, they are your responsibility to report. If a metaphor might help, think about someone who owns a lovely garden, and pays a gardener to tend it. You like flowers, so they plant flowers. You change your mind, they replace the flowers with something else. The gardener buys the plants, but you provide the budget and pay the gardener to do it with your money. When the gardener buys something with your money – you own it. If your gardener doesn't let you tell him/her exactly which plants to buy and which to get rid, that's fine, but it doesn't

mean that the gardener owns the plants. Your money, your agent, your plants. If you had to create an inventory of all of the plants that you own, you'd have to list all of the plants in the garden. If you had to report the changes in your garden from season to season, you'd have to report say which plants were removed and which were added. Your bond manager = your bond gardener. You own the assets, and reporting them is your responsibility.

You state "I am still not sure that this is required since it was not before (I am still confused as to why)". The STOCK Act and subsequent implementing regulation have required transaction reports for any transaction of a security (including bonds) of over \$1000 for a number of years now. If you or your agent has been trading securities in amounts over \$1000 per trade, and you have not been reporting them, then you've been out of compliance with the law, and could be subject to penalties. We are not out to punish you, all we're asking is that you come into compliance from this point forward.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Monday, April 15, 2019 8:23 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** RE: Bonds & Transactions  
**Importance:** High

Having been recently informed about the bond reporting requirement (when previously had not done this reporting for bonds and was not told it was required), I just went back through the two statements I received since I received Justina's note on this matter (02/05/19) and recorded **Ex. 6 Personal Privacy (PP)**

**Ex. 6 Personal Privacy (PP)** but I am still not sure that this is required since it was not before (I am still confused as to why); nonetheless, I put in the entries so they are there while we continue to work out why this is not needed.

On my transaction for these **Ex. 6 Personal Privacy (PP)** I have attached a page from the latest statement...as example.

Please confirm your opinion on this matter is same as below upon review of this statement.

Thx,  
Tala

Tala R. Henry, Ph.D.  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Ross, Margaret  
**Sent:** Wednesday, April 10, 2019 2:34 PM  
**To:** Henry, Tala <Henry.Tala@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Bonds & Transactions

Hi Tala,

Justina asked me to respond to your question about your Ex. 6 Personal Privacy (PP) You asked whether, given that the account is managed independently and does not accept buy/sell orders, whether it could be excused from having to report the transactions of individual Ex. 6 Personal Privacy (PP)

The answer is no: only excepted investment funds are excused from such periodic transaction reporting. There are three criteria for defining an EIF.

An excepted investment fund is an investment fund that is:

- “independently managed,”
- “widely held,” and
- either “publicly traded or available” or “widely diversified.”

The first issue is that a managed account is not a “fund.” It sounds like you own each of your Ex. 6 Personal Privacy (PP) directly and in your own name, even though this company manages your Ex. 6 Personal Privacy (PP) for you. Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) your money is used to buy and sell specific bonds specifically for you. So, this is not a fund – and OGE has been very clear that they do not consider managed accounts to be EIFs.

Next is independent management. If it were a fund, in order to be considered an independently managed fund an investor must “lack the ability to exercise control over the financial interests.” Even if you cannot issue buy/sell orders, you may still have the ability to direct the account manager to make certain adjustments to your portfolio based on parameters or your particular investment objectives.

If I’m wrong about that, and the company does pool the funds you contribute with the other investors contributions (more than 100 investors, to be specific), and uses that pooled set of funds to pursue a stated set of investment goals (i.e. not your goals, but their own), and does not allow individual influence over those pooled funds, then it could be called an EIF, and you would no longer need to report the transactions that occur within that fund.

Hope this helps, and I’d be happy to discuss as necessary with your financial advisor.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

Message

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**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 5/16/2019 12:22:07 PM  
**To:** Henry, Tala [Henry.Tala@epa.gov]  
**Subject:** RE: SF278

Hi Tala,

I'm booked solid today and need to work from home tomorrow

**Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP)

I could do Monday. The best way to find my availability is just to go ahead and schedule something in my calendar.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Thursday, May 16, 2019 7:55 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: SF278

Thank You! do you have time today or tomorrow? I have my portfolio statements here at work, so we could look at them

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Ross, Margaret  
**Sent:** Wednesday, May 15, 2019 9:01 PM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>  
**Subject:** RE: SF278

Hi Tala,

I definitely hear you. I'm here to help however I can.

- I can review your report and financial statements with you, to show you what information you'll need, and what you won't.
- I can speak with your advisor about the reporting requirements you face to make sure that you're getting the information you need in a format that is clear and helpful to you.
- I can tell you what I've observed in terms of how other folks manage their reporting burdens.

These are all things I do for filers on a regular basis. It's no trouble. If you're interested in taking me up on any of this, please feel free to schedule a meeting with me. I keep my calendar pretty up to date.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Wednesday, May 15, 2019 6:25 PM  
**To:** Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
**Subject:** RE: SF278

My advisor has no idea what the govt requirements are.

I didn't even know:

**Ex. 6 Personal Privacy (PP)**

**Ex. 6 Personal Privacy (PP)**

I apparently have to now become a financial guru and understand all these holding that I play absolutely no role in managing.

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

---

**From:** Ross, Margaret  
**Sent:** Wednesday, May 15, 2019 9:15 AM  
**To:** Henry, Tala <[Henry.Tala@epa.gov](mailto:Henry.Tala@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: SF278

Hi Tala,

If any of the purchases of **Ex. 6 Personal Privacy (PP)** was for more than \$1000, then you should have reported a 278t form within 30 days of receiving notification of the trade or, at most, 45 days from the transaction itself.

The sales of **Ex. 6 Personal Privacy (PP)** should be reported in your annual report.

Maybe it would be helpful to discuss your filing requirements with your financial advisor as well? I'm free all day until 3pm and would be happy to chat.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Henry, Tala  
**Sent:** Tuesday, May 14, 2019 9:25 PM

To: Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

Subject: SF278

Margaret,

I just finished my SF278 and it occurs to me that when our

**Ex. 6 Personal Privacy (PP)**

**Ex. 6 Personal Privacy (PP)**

were

supposed to have been reported periodically too?

**Ex. 6 Personal Privacy (PP)**

just don't know what is EIF and what is not; I don't control ANY of the buy/sells, someone else does all of it.

Can we set up a time to talk about this...?

Tala R. Henry, Ph.D.

Deputy Director

Office of Pollution Prevention and Toxics

U.S. Environmental Protection Agency

T: 202-564-2959

E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)

Message

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**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 10/16/2019 8:47:42 PM  
**To:** Henry, Tala [Henry.Tala@epa.gov]  
**Subject:** RE: 278-T

Hi Tala,

You're right that you are not legally required to report Ex. 6 Personal Privacy (PP) provided they qualify as excepted investment funds (EIFs). I'll take a look to determine whether yours are indeed EIFs.

That said, there's no penalty for doing the transaction report and, as a benefit, you can just import it into your annual report when the time comes. 😊

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432 | [Visit us online!](#)

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**From:** Henry, Tala <Henry.Tala@epa.gov>  
**Sent:** Wednesday, October 16, 2019 7:52 AM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Henry, Tala <Henry.Tala@epa.gov>  
**Subject:** 278-T

Hi Margaret,

I just filed a 279-T for my Ex. 6 Personal Privacy (PP)  
Ex. 6 Personal Privacy (PP) but am wondering if I  
had to? If it is a 'fund' like a mutual fund, do I have to report those?  
Thx in advance for the advice.

Tala R. Henry, Ph.D.  
Deputy Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

T: 202-564-2959  
E: [henry.tala@epa.gov](mailto:henry.tala@epa.gov)



## Appointment

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**From:** Henry, Tala [Henry.Tala@epa.gov]  
**Sent:** 6/4/2019 1:45:52 PM  
**To:** Henry, Tala [Henry.Tala@epa.gov]; Ross, Margaret [Ross.Margaret@epa.gov]  
**CC:** Fugh, Justina [Fugh.Justina@epa.gov]

**Subject:** SF278 Reporting  
**Location:** Your Office

**Start:** 6/4/2019 2:30:00 PM  
**End:** 6/4/2019 3:00:00 PM  
**Show Time As:** Busy

**Required Attendees:** Ross, Margaret  
**Optional Attendees:** Fugh, Justina

It looks like Mary is out M & Tu, so this is earliest time I can find this week. Meanwhile, I am going to go into Integrity and enter what I think, based on recent understanding, should be reported from Ex. 6 Personal Privacy (PP)...maybe you could look at that ahead of the meeting to see if I am understanding correctly.